

INVENTORY
OF THE
COUNTY ARCHIVES
OF
PENNSYLVANIA

NUMBER 2
ADAMS COUNTY



PENNSYLVANIA HISTORICAL SURVEY
WORK PROJECTS ADMINISTRATION

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INVENTORY OF THE COUNTY ARCHIVES
OF
PENNSYLVANIA

NUMBER I

ADAMS COUNTY

PREPARED BY
THE PENNSYLVANIA HISTORICAL SURVEY
DIVISION OF COMMUNITY SERVICE PROGRAMS
WORK PROJECTS ADMINISTRATION

GETTYSBURG, PENNSYLVANIA
THE BOARD OF COUNTY COMMISSIONERS
1941

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FOREWORD

Book 1152392 #7.50

The Inventory of the County Archives of Pennsylvania is one of a number of guides to historical materials prepared throughout the United States by workers on historical survey projects of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Adams County, is number 1 of the Pennsylvania series.

The Historical Records Survey program was undertaken in January 1936 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, businessmen, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by Pennsylvania Historical Survey projects attempt to do more than give merely a list of records--they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of government as well as a bibliography of local archives.

The successful conclusion of the work of the Pennsylvania Historical Survey, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey program was organized by Luther H. Evans, who served as Director until March 1, 1940 when he was succeeded by Sargent B. Child, who had been National Field Supervisor since the inauguration of the Survey. The program operates as a Nation-wide series of locally sponsored projects in the Division of Community Service Projects programs, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

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OF
ADAMS COUNTY, PA.
GETTYSBURG, PA.

A PERSONAL MESSAGE TO THE PEOPLE OF ADAMS COUNTY, PENNSYLVANIA:-

We are happy to be able to present a book, which, we believe, will supply a long neglected educational need. A complete inventory of public records is vitally necessary and their effective use is particularly important. The Inventory of the Archives of Adams County is intended to supply a concise guide for all persons seeking research information upon the contribution of this county to various phases of our early American civilization. We earnestly hope these pages will prove indispensable to our citizens in their search for definite knowledge of Adams County's recorded events.

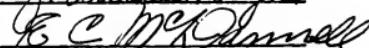
The Inventory will serve another and equally important purpose. It will serve as a reference book for the study of our County's history, its people, its government, its cultural process, and the important part that our County has played in the remaking of a united nation, inasmuch as one of the most terrific and decisive battles of the world was fought in Adams County.

The present volume is unsurpassed by any book now in print and teachers will find the information contained therein easily adaptable for use in their schools. For the first time, students will be able to consult comprehensive and accurate essays dealing with Adams County Government and the evolution, powers and duties of every County office.

It has been with inestimable pleasure that we have cooperated with the Historical Record's Survey in contributing to the cultural advancements that mark America's path in a greatly troubled world and, therefore, we are glad in this way to contribute to the cultural and academic advancement of our county, state and nation.

Attest:-


George P. Taylor
Chief Clerk.


J. Arthur Boyd

Edgar C. McDannell
County Commissioners of Adams
County.

PREFACE

A program for a Nation-wide survey of governmental records was first outlined in a letter written on January 11, 1934 by Dr. Francis S. Philbrick, Professor of Law at the University of Pennsylvania, to the late Dr. Robert C. Binkley. This suggestion was amplified and put into operation in January 1936 when Dr. Luther H. Evans inaugurated the Historical Records Survey program for the purpose of creating bibliographical controls for source materials hitherto inaccessible to most researchers. When the Survey ceased to operate as a Federal project on August 31, 1939, the Historical Records Survey in Pennsylvania became a State-wide project sponsored by the Pennsylvania Historical Commission. Together with other projects sponsored by the Historical Commission it was incorporated into the Pennsylvania Historical Survey in January 1941.

The Pennsylvania Historical Survey has undertaken as one of its major tasks the compilation of data on several types of research materials, foremost among which are public records, church records, manuscript collections, early American imprints, and newspapers. The principal aim of the survey of county archives has been to furnish the officials of local, State, and Federal governments, and historians, social scientists, lawyers, journalists, and the large body of interested citizens with a convenient and accurate guide to these records. It is hoped that by stimulating the use of such records the Survey may encourage the improvement of archival practice in the courthouses of Pennsylvania. A more immediate objective is that of making accessible the basic research materials so necessary for an understanding of local history and local government.

The survey of the Adams County records presented herein constitutes a unit in the series of publications known as the Inventory of the County Archives of Pennsylvania. When completed, this series will include 67 volumes, one for each of the counties in the Commonwealth, numbered according to their alphabetical sequence. The Adams County Inventory is divided into two parts. The first includes essays on the history and general governmental organization of the county, and the second contains a detailed analysis of the development and operation of each of the county offices, followed by an annotated listing of its records. The inventory is arranged so that the records of the executive branch of county government come first, followed by the judicial, law enforcing, fiscal, and miscellaneous agencies. Each entry in the inventory list describes a series of records and indicates its title, title variations, date span, quantity, the nature of the contents, arrangement, indexing, and location. Whenever feasible, all records of the same type within an office have been grouped under a subject heading.

ADAMS COUNTY

The survey of the archives of Adams County was begun in 1937 and completed early in 1939. A recheck of the information compiled by our research field workers was performed by representatives of the State editorial office of the Survey in August 1939, but some information on relocation of records and on several new series of records was obtained during 1940, which is the closing date for the records listed in the present volume. The volume was edited by Mr. Bernard S. Levin, State Editor, with the able assistance of Miss Elizabeth Smedley, Miss Ethel Silverberg, Mr. Owen Sheppard, and many others, without whose efforts the preparation of the book would have been impossible. Colonel Philip Mathews, State Administrator, has made our undertaking easier by his full cooperation and support. The staff has profited at all times by the constructive criticism and advice of the Washington Office of the Survey. Full responsibility for the completeness and accuracy of the inventory, however, rests with the Pennsylvania staff.

It is a pleasure to acknowledge the valuable assistance rendered by Mr. George P. Taylor, Mr. J. Arthur Boyd, and Mr. Edgar C. McDannell, the county commissioners of Adams County. We are likewise indebted to many other Adams County officers for their wholehearted cooperation in our undertaking and their courteous treatment of our representatives. The Work Projects Administration, and especially the Division of Community Service Programs of District 5, has rendered the Survey a genuine service in its efficient administration of the project in Adams County.

The several units of the Inventory of the County Archives of Pennsylvania are published for distribution to important libraries in Pennsylvania and to a limited number of libraries and government depositories outside the State. Requests for information regarding any of the activities of the Survey should be addressed to the State Supervisor, 46 North Cameron Street, Harrisburg, Pennsylvania.

Philadelphia, Pennsylvania
May 1941

J. Knox Milligan
Acting State Supervisor

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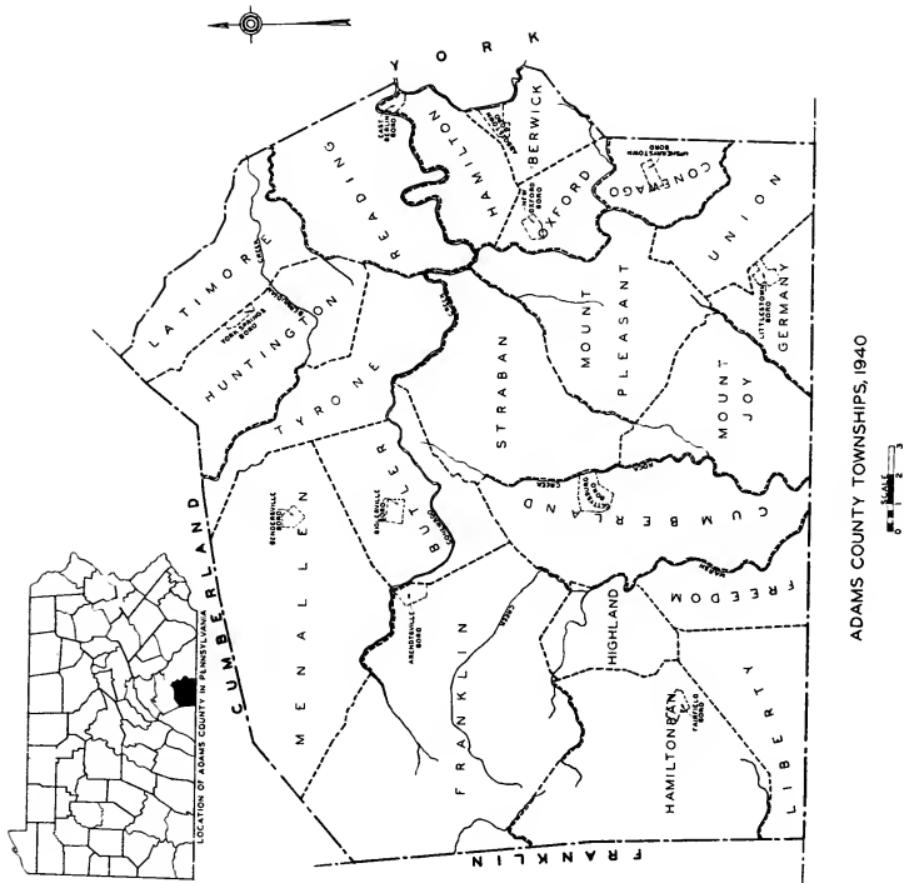
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THE STATE OF PENNSYLVANIA

CHART: BASED ON CONSTITUTION OF 1790

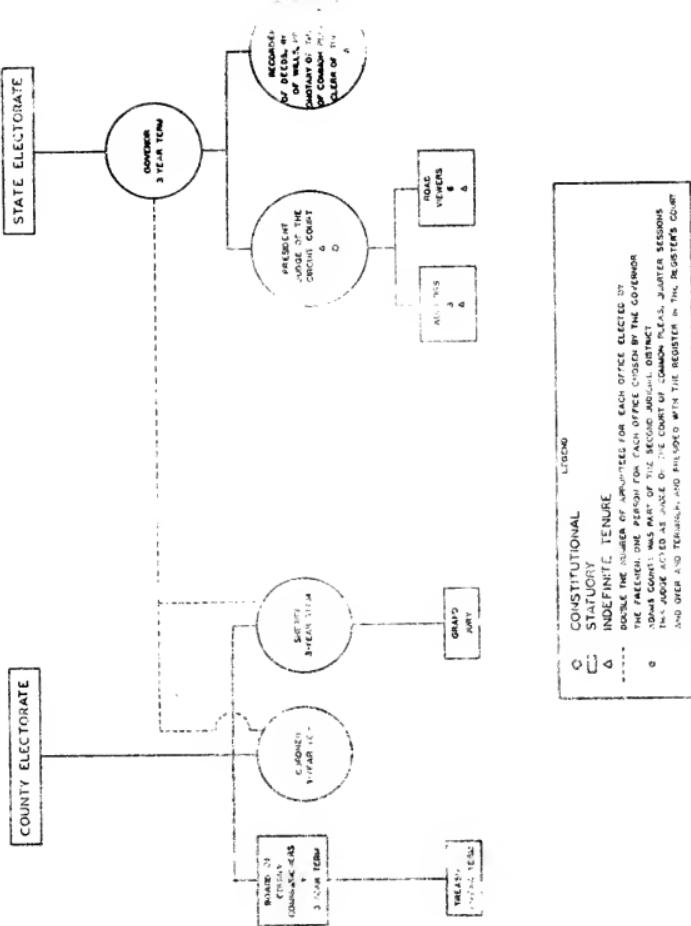


CHART OF GOVERNMENT OF ADAMS COUNTY
PENNSYLVANIA 1838

CHART BASED ON CONSTITUTION 1838

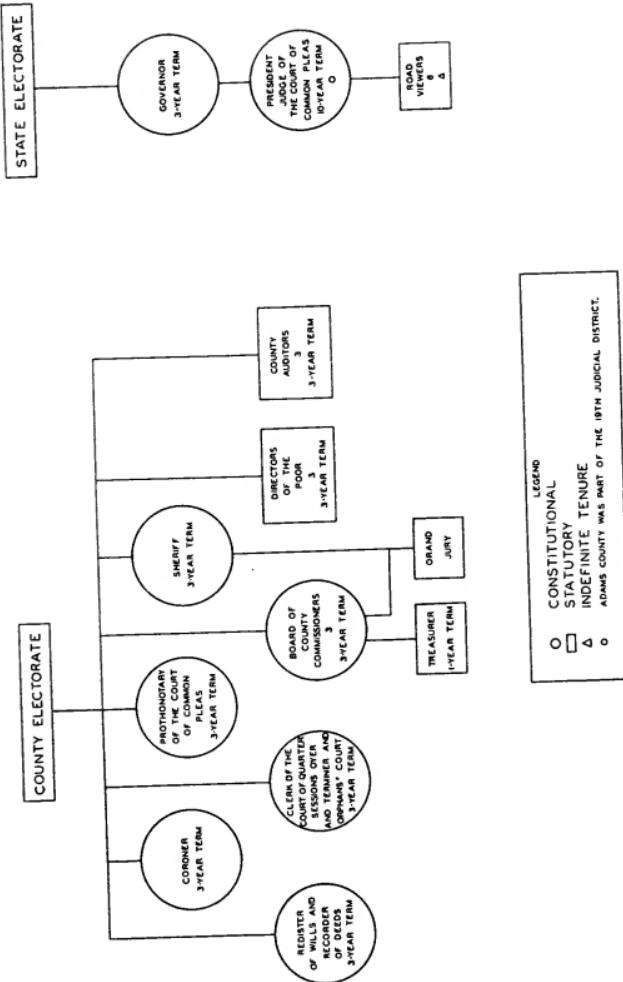


CHART OF GOVERNMENT OF ADAMS COUNTY
PENNSYLVANIA 1874

CHART BASED ON CONSTITUTION OF 1874

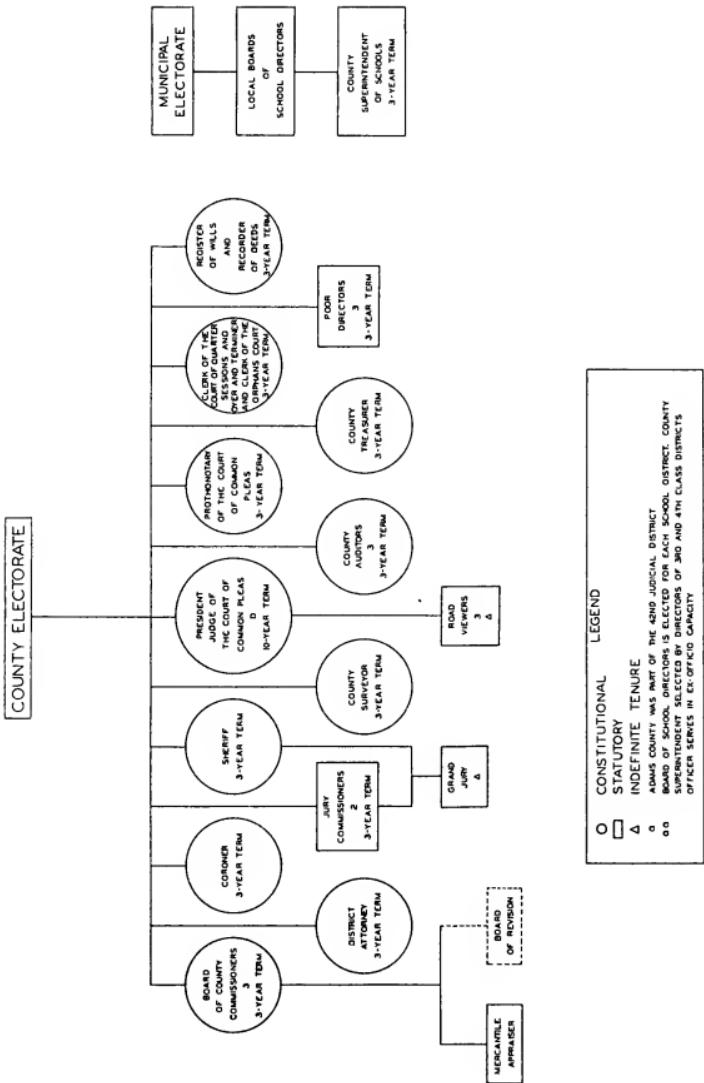


CHART NO. 3

CHART OF GOVERNMENT OF ADAMS COUNTY
 COUNTY OF THE 7TH CLASS
 PENNSYLVANIA 1940

CHART BASED ON CONSTITUTION OF 1874

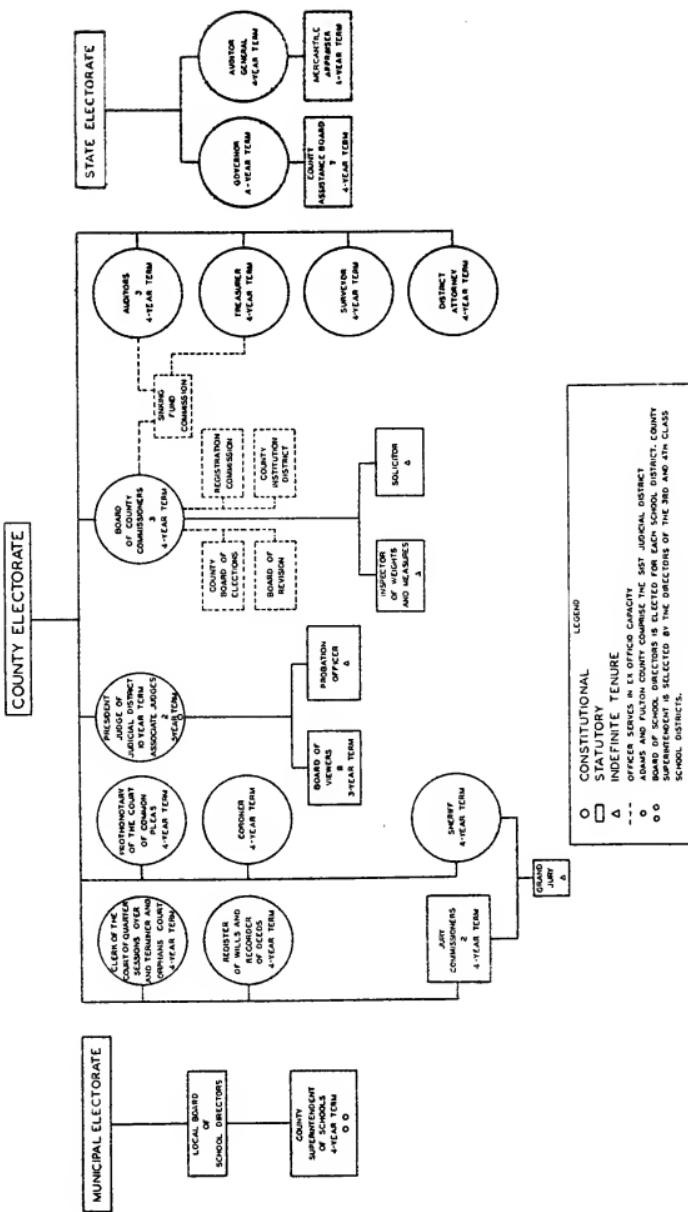


CHART NO 4

PART A. ADAMS COUNTY AND ITS RECORDS SYSTEM

I. HISTORICAL SKETCH

Topography. Adams County, the southern boundary of which runs with the Mason-Dixon line for 25 miles,¹ lies in the southeastern Piedmont section of Pennsylvania, fourth in the line of counties west of the State of Delaware. On the east Adams is bounded by its parent, York County, from which it was formed in 1800;² in the west it meets Franklin County; and on the north Cumberland. Its southern neighbors are the Maryland counties of Carroll and Frederick.³

A mountain and a plain constitute the two general topographical features of Adams County. The former of these is South Mountain, "the local representative of the Blue Ridge,"⁴ which lies in the northwestern part of the county, separating it from Franklin County, and consists of parallel ridges running northeastward. The most prominent of these in the south is Green Ridge, which extends 10 miles in length and reaches a height of 1,960 feet.⁵

The second significant topographical feature of Adams County is the Gettysburg plain, which stretches eastward from South Mountain to Pigeon Hills in an adjacent county.⁶ The soil of the valley, while not of finest quality, is nevertheless suited to agriculture, and the inhabitants of Adams find in farming their chief occupation.⁷ The vicinities of Fairfield and McSherrystown in particular possess limestone soils of great fertility, which "yield an ample reward to labor."⁸

The drainage of Adams County is divided between the Susquehanna and Potomac Rivers; for Adams forms part of a watershed between the two streams, sending half its water-course into the former and half to meet the latter.⁹ None of the streams is, however, navigable, a factor of consider-

1. George W. Stose, Geology and Mineral Resources of Adams County, Pennsylvania, p. 12.

2. See infra, p. 8.

3. Stose, op. cit., p. 12.

4. Ibid., p. 13.

5. Ibid., pp. 13, 14; History of Cumberland and Adams Counties, Pennsylvania, part III, p. 45, hereinafter cited as History of Adams.

6. Slate hills are encountered at the southeastern corner of the county.

7. Pennsylvania Department of Internal Affairs, Ninth Industrial Directory of the Commonwealth of Pennsylvania, pp. 17, 18, hereinafter cited as Pa. Dept. Int. Aff., Ninth Ind. Dir.

8. Thomas F. Gordon, comp., A Gazetteer of the State of Pennsylvania, part II, p. 3. See also Stose, op. cit., p. 19.

9. Stose, op. cit., p. 15.

able significance for the question of transportation.¹⁰ The principal streams are the Conewago, flowing into the Susquehanna; and the Conococheague, the east branch of Little Antietam Creek, and the tributaries of the Monocacy, draining ultimately into the Potomac.¹¹

Early History. The first permanent white settlements in what is now Adams County were nurtured by both the Penns and the Calverts in the hope of consolidating a claim to lands which the royal grants seemingly had bestowed upon each.¹² Thus, a vanguard of settlers from both eastern Pennsylvania and Maryland appeared west of the Susquehanna in the first years of the eighteenth century,¹³ and settlements in present-day Adams County were made in the 1730's by Germans, Dutch, and Scotch-Irish from overseas, and by English Catholics from Maryland.¹⁴ The Scotch-Irish settled chiefly along Marsh Creek in the western section of the county; the Germans in the eastern (York) part.¹⁵ Members of the Society of Friends belonging to a group settled along Opossum Creek also appeared early in the eighteenth century.¹⁶

In 1727 John Digges secured from the proprietor of Maryland a grant of 10,000 unimproved acres.¹⁷ He selected lands which lay north of the temporary Pennsylvania-Maryland boundary line of 1732.¹⁸ A few years later Martin Kitzmiller purchased a tract near Digges' acres and proceeded to settle there, paying taxes and duties as an inhabitant of Pennsylvania. The legal validity of "Digges' Choice" as the land held by Digges was called, was denied by Pennsylvania settlers and others who had begun to colonize these lands. Controversies arose over the question of landownership, and

10. Gordon, op. cit., p. 3.

11. Stose, op. cit., pp. 15, 16; History of Adams, part III, pp. 52, 53.

12. Newspaper Premium Book. Adams County. Indian History, Battle History, Local History, ch. 4, p. 2, hereinafter cited as Newspaper Premium Book; History of Adams, part III, pp. 12, 13.

13. John T. Reilly, comp., Conewago. A Collection of Catholic Local History, p. 23; Newspaper Premium Book, ch. 4, p. 2.

14. History of Adams, part III, pp. 12, 23; I. Daniel Rupp, comp., History and Topography of Dauphin, Cumberland, Franklin, Bedford, Adams, and Perry Counties, pp. 540, 541, hereinafter cited as Rupp, History and Topography. According to Reilly, op. cit., p. 33, several English families from the province of Lord Baltimore settled in the Conewago valley between 1700 and 1725.

15. History of Adams, part III, p. 12; Joseph S. Gitt, "Historical Collection of Adams County," No. 15. Gettysburg Star and Sentinel. Newspaper Clippings, The Historical Society of Pennsylvania.

16. Pennsylvania Historical Survey, Inventory of Church Archives of Pennsylvania, Society of Friends (in press), entries 123, 345.

17. Gitt, op. cit., No. 13; Reilly, op. cit., p. 22.

18. Reilly, op. cit., pp. 22, 23.

in one of these a member of the Digges family was killed.¹⁹

In addition to innumerable boundary disputes which arose between settlers whose right to own the same land had been conferred by the Penns and the Calverts, friction developed also between the Pennsylvania proprietaries and the Scotch-Irish. In 1736 the Penns had purchased from the Indians the region west of the Susquehanna, and in 1739, when the Dutch began to make their settlements, the Penns were prompted to lay out an estate 6 miles by 12, the "Manor of Maske," in the area near present-day Gettysburg. In order to do this a survey was undertaken. The Scotch-Irish had neglected to purchase the land from the Penns, claiming that the latter had solicited colonists. The newcomers had also settled upon Indian lands without first purchasing them, a practice which resulted in several massacres. When the Penns ordered the colonists ejected, strife resulted. The settlers ultimately submitted, however, accepting leases and purchasing their lands.²⁰

The protracted dispute over the exact determination of the Pennsylvania-Maryland boundary line was utilized by individuals settled in the region to elude the payment of taxes. Residence in Pennsylvania was claimed when the Maryland tax collector attempted to lay an assessment, and in Maryland when the Pennsylvania agent sought to obtain revenue.²¹ The boundary controversy was used also as a means for disregarding the laws of both provinces. In the border area entertainments took place on the Sabbath; criminals flourished unhampered; public houses operated without license; and debts remained uncollected because litigants could move from the law courts of one province to those of another. A remedy was sought in 1757, finally, when a petition for relief was presented to the Pennsylvania Assembly.²²

The proprietaries of Pennsylvania and Maryland had endeavored in the meantime to correct a situation that was tolerable to neither. In 1732 articles of agreement had been signed for the establishment of a new provincial boundary, but these provisions were not fulfilled.²³ In the year 1763, however, the proprietaries of Pennsylvania and Maryland employed Charles Mason and Jeremiah Dixon, two English mathematicians, to survey a boundary between the provinces.²⁴

19. Rupp, History and Topography, pp. 538, 539. For further details of the innumerable boundary disputes, see Rupp, History of Lancaster County, pp. 549-563, and Reily, op. cit., pp. 23, 24.

20. Pennsylvania Archives, third series, III, 259-267, History of Adams, part III, p. 18.

21. Reily, op. cit., pp. 18, 19; History of Adams, part III, p. 14; 1755, V St. at L. 201 secs. 9, 10.

22. Rupp, History and Topography, p. 540.

23. Ibid., p. 538; Robert Proud, The History of Pennsylvania in North America, II, 208-211.

24. Edward Channing, The United States of America, 1765-1865, p. 4; History of Adams, part III, p. 13.

Work in the field was completed in 1767, and the lines finally marked with stone posts in 1768.²⁵

Adams County was on the whole free of the savage Indian incursions that marked the advance of the western frontiers. One antiquarian who has taken the trouble to investigate the authentic accounts of Indian raids into Adams County states that the meagerness of the early records is "very disappointing."²⁶ South Mountain acted as a barrier against such depredations, though in the period of the French and Indian War this was not entirely the case.²⁷

French and Indian War. In Braddock's expedition of 1755-56 and that of Forbes in 1758 against Fort Duquesne, the Adams area furnished 200 men under the command of Captain Hance Hamilton.²⁸ Large supplies of food and scores of horses and wagons also were supplied and sold "for the Service of his Majesty's Forces."²⁹

The Revolution. Adams County, which was still a part of the County of York when the Revolution broke out, began to manifest an antagonism toward England as early as 1760.³⁰ The fervor of this sentiment was demonstrated by an expression of sympathy sent the people of Boston on April 13, 1775, and by donations sought for the relief of the Bostonians.³¹ In the year following, a regiment of soldiers from York (Adams) and Cumberland Counties was formed, and a rifle company of York (Adams) men was led to Philadelphia by Captain William McPherson. Throughout the Revolution York (Adams) County contributed men and materials to the successful struggle for the maintenance of American independence.³²

Formation of Adams County. The original counties of Pennsylvania, Philadelphia, Chester, and Bucks, were organized in 1682. The County of Lancaster, the fourth to be set up, was separated from Chester and organized under an act of May 10, 1729.³³ York County the fifth in point of time, was established August 17, 1749, by separation from Lancaster.³⁴ From the western part of York, Adams County was formed in 1800.

25. Rupp, History and Topography, p. 538; History of Adams, part III, p. 13. The last 36 miles of the boundary were not completed until the years 1782-84, History of Adams, part III, p. 13.

26. Newspaper Premium Book, ch. 1, p. 1.

27. Colonial Records of Pennsylvania, VII (1851), 77; Newspaper Premium Book, ch. 1.

28. History of Adams, part III, p. 11.

29. Pennsylvania Archives, First Series, II, 294, 295.

30. History of Adams, part III, p. 32.

31. Ibid. About 246 pounds were raised.

32. Ibid., pp. 33-36.

33. History of Adams, page preceding title page of part I; Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 306.

34. History of Adams, page preceding title page of part I; Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 654.

The Germans, who settled the eastern part of York County, and the Scotch-Irish, who resided in the western section, were of different stock and possessed differing cultural and linguistic backgrounds. During the second half of the eighteenth century various acts of hostility had marked the relations of the two groups.³⁵ The idea of separation from the Germans of the east arose among the numerically less numerous Scotch-Irish, who hoped by the formation of a new county to obtain a market that would be more favorably located than Philadelphia.³⁶ Such a market was "now made possible by the opening of north and south roads connecting the Cumberland Valley through the Marsh Creek settlement with Baltimore. With an independent county organization, it was hoped . . . to increase facilities for trading southward, thus getting clear of the barrier of the unbridged Susquehanna."³⁷

The subject of a division of York County into its eastern and western parts was first broached in 1789, when 1,356 inhabitants petitioned the Assembly for separation.³⁸ Though the motion was reported favorably by the Assembly, the project lagged, for one reason and another, for a decade, and it was not until January 22, 1800 that an act of the legislature created the new county.³⁹ The name Adams was chosen in honor of John Adams, then President of the United States and leader of the Federalist Party, which claimed the allegiance of the inhabitants of the new county in 1800 and for many years thereafter.⁴⁰

When the subject of county division was first mooted, commissioners were appointed to select a new county seat.⁴¹ James Gettys, whose family were original settlers, having come to the area in 1740,⁴² "scouting the certainty of a new county and the possibility of securing an eligible site for the county seat, bought a tract of land and laid out a vil-

35. Rupp, History of Lancaster County, pp. 581-585; History of Adams, part III, p. 37; Edward McPherson, Story of the Creation of Adams County, Pennsylvania, p. 5.

36. McPherson, op. cit., p. 5.

37. Ibid. Edward McPherson, the first president of the Adams County Historical Society, delivered an address before that society in 1889, in which he presented an account of the formation of Adams County based upon papers left by his grandfather, who was one of the leading movers in the agitation. (See: Ibid., p. 3).

38. Ibid., pp. 5, 6.

39. 1800, XVI St. at L. 392. Adams was the twenty-fifth county created in Pennsylvania, Gitt, "Historical Collection of Adams Co.," No. 20.

40. Philip S. Klein, Pennsylvania Politics, 1817-1832, A Game Without Rules, pp. 38, 49; A. H. Espenash, Pennsylvania Place Names, p. 74; Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 17.

41. History of Adams, part III, p. 41.

42. McPherson, op. cit., p. 48.

lage, which he called Gettys-town.⁴³ In 1799 Gettys deeded to the commissioners empowered to select a county seat 200 lots for the use of a new county, in addition to a lot for a "gaol" and one for a courthouse.⁴⁴ Subsequently, the legislature confirmed the selection, calling the town Gettysburg.⁴⁵

The first court of quarter sessions for the County of Adams was held at Gettysburg on the second Monday of June 1800.⁴⁶ The first courthouse erected in 1804, was constructed of brick and stood in the center of the public square. With the later growth of the county, however, the small structure proved inadequate, and a contract for a larger edifice was let in 1858. Completed in 1859 at a cost of less than \$20,000, the building still stands and continues to serve as the courthouse of Adams County.⁴⁷

Civil War Period. No sketch of Adams County would be complete without some description, however brief, of the momentous part played by the town of Gettysburg during the Civil War. Here, from July 1 to 3, 1863, one of the bloodiest battles of that struggle was fought; and here, on November 19, 1863, Lincoln uttered immortal words for the preservation of American democracy. To Gettysburg since 1865 have come yearly large numbers of visitors from many parts of America, and the name of the town has been added to the number of America's shrines which have bled in the cause of liberty. In 1895 Congress set aside the battlefield to be preserved as a national park.⁴⁸

Agriculture. Adams County is today the chief fruit growing section of Pennsylvania.⁴⁹ Such was not always the case, however, for it has been only within the present century that this development has occurred. Formerly, wheat, rye, corn, and potatoes were the principal crops, and Adams to this day continues to be a general farming area.⁵⁰ But the growing of fruit, and in particular apples, now predominates. The farmers' apple orchards near Biglersville have contributed toward making Adams County the most important apple-raising area in Pennsylvania and one of the leading apple centers in America.⁵¹

43. Espenshade, op. cit., p. 75.

44. History of Adams, part III, p. 41.

45. Espenshade, op. cit., p. 75.

46. Gitt, "Historical Collection of Adams Co.," No 20.

47. History of Adams, part III, pp. 42, 43.

48. Pennsylvania Historical Survey, Guide to Depositories of Manuscript Collections in Pennsylvania, pp. 19, 20.

49. U. S. Bureau of the Census, Fifteenth Census of the United States, 1930, Agriculture, II, part I, "Pennsylvania," table X; Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 18.

50. Stose, op. cit., p. 19.

51. U. S. Bureau of the Census, Fifteenth Census of the United States, 1930, Agriculture, II, part I, "Pennsylvania," table VIII; Vol. IV, "Summary for all Crops," table 9.

In 1937 there were 3,581 farms cultivating 175,470 acres. The value of livestock was set at \$3,129,360, and the value of livestock products (including dairy and poultry products and wool), at \$2,441,440.⁵²

Industry. The Industrial Revolution affected Adams in some slight degree. The manufacture of iron was accelerated when in 1826 the Messrs. Stevens and Paxon erected "Maria Furnace." In the year of 1830 a furnace was constructed at Caledonia in Franklin County in order to utilize the pig iron produced at Maria Furnace. But Lee's army destroyed the Caledonia works in the course of its march across the mountains,⁵³ and iron mining in general was abandoned in Adams County during the 1870's.⁵⁴

In the fourth decade of the nineteenth century Gettysburg attained fame as a center for the manufacture of fine coaches. In 1833, 130 men were employed in this industry, and the products were sold principally in Maryland and Virginia.⁵⁵

Today the important classes of industry are food and food products; lumber; and leather and rubber goods.⁵⁶ The county is, however, primarily an agricultural region.

Transportation. The first road to be formally opened in Adams County was that between Marsh Creek and York and Lancaster (1742).⁵⁷ One of the decisive causes leading to the erection of Adams County was the need to find an urban market that would be more readily accessible than Philadelphia.⁵⁸ Baltimore was such a market.⁵⁹ Since the county possessed no navigable streams, all transport was of necessity by overland routes. Products destined for Baltimore were hauled overland by the Conestoga wagons, or were floated down the Susquehanna. Two turnpike roads were laid to facilitate this movement: One, from Gettysburg by way of Petersburg, York County (chartered April 1807), and another, running across Adams County from Carlisle to Hanover in an adjoining county, and then into Maryland.⁶⁰ There were, in addition, two other turnpike roads connecting the county with adjacent areas.⁶¹

52. Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 18.

53. Edward B. Wiestling, "Old Iron Works of the Cumberland Valley," Kittochtinny Historical Society Papers, X, No. 1, pp. 9, 10; Gordon, op. cit., part II, p. 4.

54. Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 17.

55. Rupp, History and Topography, p. 527.

56. Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 18.

57. History of Adams, part III, p. 55.

58. McPherson, op. cit., p. 5.

59. Gordon, op. cit., part II, p. 4.

60. Ibid.

61. Ibid.

One of the earliest railroad projects was the Gettysburg Railroad (chartered June 9, 1838), in the creation of which personal and political motives alone operated.⁶² The Pennsylvania Railroad cuts across the southeastern section of the county, and the Reading system now extends a line from Gettysburg to Harrisburg.⁶³ There is also a branch which conveys sightseers from Gettysburg to Round Top, the battleground of 1863.

Education. The first school in the Adams vicinity of which there is record was set up at Kreutz Kirche about 1747 by Michael Schlatter, a German Reformed minister.⁶⁴ The first English school opened was that at East Berlin, which did not, however, long survive its founding, for the community was then predominantly German.⁶⁵ Gettysburg Academy was incorporated in 1801, but was sold for debt 29 years later.⁶⁶

The Gettysburg Theological Seminary for the training of Lutheran ministers was opened in 1826.⁶⁷ In order to provide secondary training for future ministers, since a school offering such training did not exist in the vicinity, the directors of the Seminary in 1827 opened the Gettysburg Gymnasium. In 1832 the name of the Gymnasium was changed to Pennsylvania College, and in 1921, to Gettysburg College.⁶⁸

Adams County today possesses 138 school buildings, of which 9 are high schools. To these go daily 7,565 pupils, under the guidance of 266 teachers and supervisors.⁶⁹

Population and Statistics. At the time of the formation of the county, the population totaled 13,172.⁷⁰ In 1830 the number had risen to 21,379, of whom 45 were slaves.⁷¹ The rise since 1830 has been fairly continuous. In 1930 the total population numbered 37,128, of whom 5,584 were classified as urban; 14,982 as rural-farm; and 16,562 as rural nonfarm.⁷² Gettysburg comprises the sole urban area in the county.⁷³

62. Wayland F. Dunaway, A History of Pennsylvania, p. 452.

63. Poor's Manual of the Railroads of the United States for 1888, pp. 166, 167, 262; Stose, op. cit., p. 19.

64. History of Adams, part III, p. 122.

65. Dunaway, op. cit., pp. 362, 363.

66. History of Adams, part III, p. 123.

67. Ibid., p. 125; Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 17.

68. Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 17.

69. Ibid.

70. U. S. Bureau of the Census, Tenth Census of the United States, I, "Aggregate Population by Counties," table II.

71. Ibid.

72. U. S. Bureau of the Census, Fifteenth Census of the United States, III, part II, "Pennsylvania," table XI.

73. Pa. Dept. Int. Aff., Ninth Ind. Dir., p. 17; U. S. Bureau of the Census, Fifteenth Census of the United States, III, part II, "Pennsylvania," table XIV.

II. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Legal Status of the County. Although its exact position in the framework of government has never been clearly defined, the Pennsylvania county is generally recognized as a quasi-corporation. It possesses no power and can incur no obligations unless it receives statutory authorization, and has no inherent right of self government.¹ In its relationship to the Commonwealth, the county frequently functions as an agent for such administrative matters as are defined by law. Within the county there are several subdivisions; namely, cities, boroughs, towns, and townships. These units, organized primarily for the performance of municipal functions, have always served as convenient areas for the conduct of the county's business. The school district, organized on municipal lines, forms an additional governmental arm operating within the county.²

The county is given the power to preserve order and to administer laws relating to taxation for which purposes it utilizes the municipalities. It must supervise the conduct of elections; construct public works; supervise institutional relief; and keep records of many matters relating to the administration of county government.

The county and its subdivisions have always formed an integral part of the State judiciary system. Originally the county performed only one administrative function for the State, that of collecting State taxes levied within the county. In recent years, however, the role of the county as an agent of the State has been extended to the fields of education, public assistance, health, and the compilation of vital statistics. In all these instances the functions belong to the State, the county being utilized primarily as a convenient geographic area. In a similar manner the Federal Government uses the county as a unit in carrying out the child welfare provisions of the Social Security Act and in administering agricultural extension services.³

The General Assembly may not establish a new county if such an act would reduce the area of any existing one to less than 400 square miles and fewer than 20,000 citizens;⁴

1. Van Kirk v. Clark and Graham, 16 Sergeant and Rawle 286 (1827); Kittanning Academy v. Brown, 41 Pa. 269 (1862); Lawrence County v. Leonard, 83 Pa. 206 (1876); McKean County v. W. A. Young, Commissioner of the County of McKean, Appellant, 11 Super. 481 (1899); 1834 P.L. 537 secs. 3, 4.

2. Pennsylvania Local Government Commission, First Report to the General Assembly of 1937, p. 11.

3. 1935, 49 U. S. Stat. 620 ch. 531.

4. Const., art. XIII.

nor may it pass special legislation for individual counties.⁵ Prior to the adoption of the Constitution of 1874 many local laws were enacted for Adams County. Many of these older laws are still in effect because the constitutional prohibition did not operate to repeal the then existing local laws. For many years this constitutional prohibition complicated legislative problems since different laws are needed for a county like Adams with a population of 27,128 and a county like Philadelphia with a population of almost 2 million. The General Assembly attempted to remedy this defect by classifying the counties according to population and enacting legislation for all counties in a given class. In 1919 all the 67 counties were divided into eight classes,⁶ and in 1923 a constitutional amendment was passed confirming this classification.⁷ Today, whenever a law relating to counties is passed, it applies either to all counties or to a group of counties within a certain class. Adams falls into the seventh class which includes counties having a population ranging from 20,000 to 50,000.⁸ A county moves from one class to another automatically as its population grows or falls, as determined by the last preceding decennial census of the United States.⁹

The Constitution of 1874 further provides that taxes be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. The General Assembly may exempt from taxation, however, public places used for public purposes, places of burial not held for private or corporate profit, charitable institutions, churches, and property owned by military organizations.¹⁰ Neither municipalities nor counties may incur debts in excess of 7 percent of the assessed valuation of the taxable property therein.¹¹

Structural Development of County Government. Adams County was formed from York in accordance with the act of January 22, 1800.¹² At this early date the governmental structure was based upon the provisions of the Constitution of 1790 and acts of the General Assembly which were then in force. A gradual development can be traced from comparatively simple to a more elaborate structure under the present constitution which was adopted in 1874. This in turn has been modified by amendments and subsequent legislation.

5. Const., art. III, sec. 7; Jacob Tanger and Harold F. Alderfer, Pennsylvania Government, State and Local pp. 189, 190.

6. 1919 P.L. 887 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 31.

7. Const., art. III, sec. 34 as am. 1923.

8. Pennsylvania Manual, 1937, p. 1145.

9. 1919 P.L. 887 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 32.

10. Const., art. IX, sec. 1 as am. 1923.

11. Const., art. IX, sec. 8 as am. 1920.

12. 1800, 3 Sm.L. 404 sec. 1.

In 1800 the administrative officers of Adams County were three county commissioners,¹³ a sheriff,¹⁴ and a coroner.¹⁵ The sheriff and coroner were nominated by the free-men and appointed by the Governor whereas the county commissioners were elected directly by the people. In addition, the Governor was empowered to appoint such clerical officers as the prothonotary, clerk of the court of quarter sessions and oyer and terminer, register of wills, and recorder of deeds. In 1800 these offices were filled by one man. The Governor also appointed a president judge of the second judicial district, of which Adams County formed a part, to serve during good behavior.¹⁶ The judge in turn was authorized to appoint six road viewers¹⁷ and three auditors,¹⁸ while the county commissioners designated a treasurer¹⁹ and a chief clerk.²⁰ The sheriff selected the grand jury.

Under the provisions of the Constitution of 1838 the Governor was empowered to appoint all judges of the court of common pleas. A president judge, for each judicial district so appointed was to serve for 10 years and the associate judges for a term of 5 years.²¹ Appointment as a method of selection of the judiciary gave way to direct choice by the electorate when the Constitution of 1838 was amended in 1850. This amendment was further implemented by legislation in 1851 when the General Assembly declared that the qualified electors of each county should elect one person to serve as president judge of the judicial district in which the county was located, and two associate judges of the courts of that county.²² An associate judge was first appointed for Adams County in 1851. In 1806 Adams County had been removed from the second judicial district and made a part of the ninth judicial district, in which it remained until 1835 when it was removed to the nineteenth judicial district. In 1874 it was made part of the forty-second judicial district and remained so until 1895 when it was incorporated into the fifty-first judicial district.²³

13. 1710, II St. at L. 369; 1712, III St. at L. 3; 1715, III St. at L. 83; 1717, III St. at L. 175; 1722, III St. at L. 395 rep. but reen. in 1724, IV St. at L. 10.

14. Const. 1790, art. VI, sec. 1.

15. *Ibid.*

16. Const. 1790, art. V sec. 2; 1791, 3 Dall. 92 sec. 3.

17. 1700, 1 Dall. 16 sec. 2.

18. 1791, 3 Sm.L. 15 sec. 1.

19. 1710, II St. at L. 369 seq. 3; 1717, III St. at L. 175 sec. 11; 1756, V St. at L. 337 sec. 13; 1799, 3 Sm.L. 392 sec. 13; 1834 P.L. 537 sec. 27.

20. 1785, XI St. at L. 454 sec. 36.

21. Const. 1838, art. V, sec. 2.

22. 1851 P.L. 648 sec. 1. Under the provisions of sec. 3 of this act and of the Const. of 1838 the president judge had to be learned in the law.

23. Frank M. Eastman, Courts and Lawyers of Pennsylvania, A History, 1623-1923, III, 591, 650, 699, 752, 769.

There were several significant changes and additions to the list of county officers during this period before 1874. The first of these was the separating of the clerical offices which had been held by one individual. One man was chosen by the Governor in 1821 to fill the office of prothonotary and another to fill the offices of register of wills and recorder of deeds, clerk of the court of quarter session and oyer and terminer, and clerk of the orphans' court. All of these offices were recombined for 1 year in 1823 and divided again in 1824. In 1832 the division was made between three men, one acting as prothonotary, another as register and recorder, and the third as clerk of the courts. A special act for Adams County recognized this division and it has remained unchanged ever since.²⁴ The second change was an increase in the power of the electorate in 1839,²⁵ when the people chose, for a fixed term of 3 years, the clerical officers just mentioned, the sheriff, and the coroner.²⁶ The sheriff and the county commissioners now drew the names of those persons who were to serve on the grand jury. Power to elect a county treasurer,²⁷ three county auditors,²⁸ and three directors of the poor²⁹ was added to the other elective powers. The county commissioners were directed to appoint a mercantile appraiser³⁰ and to serve ex officio with the associate judges of the court of common pleas, as a county board of revision.³¹ The next innovation was the establishment of the office of district attorney to replace the former deputy attorneys general in each county;³² another was the creation of the office of the county surveyor whose duties included the functions of the former deputy surveyor;³³ still another, was the selection of a county superintendent of schools by local boards of school directors for a term of 3 years.³⁴ In 1867 two jury commissioners were added to the expanding group of county functionaries.³⁵ After this time the personnel of the grand jury was selected by them.

24. 1839 P.L. 559 sec. 1.

25. Ibid.

26. Const. 1838, art. VI, sec. 1.

27. 1841 P.L. 400 sec. 1.

28. 1809, 5 Sm.L. 19 rep. 1929 P.L. 1278 sec. 1051; 1810 P.L. 207, 5 Sm.L. 161; 1814 P.L. 44, 6 Sm.L. 103; 1834 P.L. 537 sec. 44 rep. 1929 P.L. 1278 sec. 1051.

29. 1817 P.L. 196.

30. 1846 P.L. 486 sec. 12.

31. 1842 P.L. 441 secs. 10, 11 am. 1844 P.L. 501 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 501, 502. The amendment of 1844 removed the judges from the board.

32. 1850 P.L. 654 sec. 1.

33. 1850 P.L. 434 secs. 5, 10, 11 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 160.

34. 1854 P.L. 617 secs. 37, 39.

35. 1876 P.L. 62 sec. 1; 1929 P.L. 1278 sec. 293 am. 1931 P.L. 401 sec. 1.

The Constitution of 1874 listed as county officers, the prothonotary, clerk of the courts, sheriff, coroner, register of wills, recorder of deeds, three commissioners, treasurer, surveyor, three auditors, and district attorney.³⁶ Adams County government had already attained a form greatly different from the original structure as can be seen by comparison of the chart of county government of 1800 with that of 1874. The office of associate judge of the court of common pleas not learned in the law was abolished in counties forming separate judicial districts.³⁷ Adams county was at this time part of the forty-second judicial district, and only one judge served the court of that district.³⁸ There were no associate judges for the judicial district of which Adams was a part from 1873 to 1883, at which time two associate judges were appointed. Judges of the courts of common pleas learned in the law were declared by the Constitution of 1874 to be judges of the court of quarter sessions of the peace, oyer and terminer, and general jail delivery, and of the orphans' court, and within their respective districts, as justices of the peace in criminal matters.³⁹

By 1940 many changes had been made in the structural organization of county government. The court of common pleas of Adams County now consists of a president judge.⁴⁰ An inspector of weights and measures⁴¹ and a county solicitor⁴² were appointed by the county commissioners. In addition, one probation officer and assistant have been appointed by the judges of the court of Adams County since 1923,⁴³ who were also to appoint a board of viewers composed of three members.⁴⁴ A still further change was the extension of the terms of all elected county officers to 4 years with the exception of the judges who retained their tenure of 10 years.⁴⁵

The development of ex officio boards such as the sinking fund commission⁴⁶ shows a tendency to unite the efforts of the separately elected county officers in specific functions relating to county government. The county commission-

36. Const., art. XIV, sec. 1.

37. Ibid., art. V, sec. 5.

38. Smull's Legislative Handbook, 1873, pp. 308, 309.

39. Const., art. V, sec. 9.

40. Ibid., sec. 5.

41. 1911 P.L. 275 sec. 1 as am. 1913 P.L. 960 am. 1917 P.L. 1105 sec. 1.

42. 1895 P.L. 101 sec. 1 am. 1903 P.L. 11 No. 11 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 151.

43. 1903 P.L. 274 sec. 3 am. 1933 P.L. 1433 sec. 17; 1909 P.L. 495 sec. 5.

44. 1859 P.L. 508.

45. Const., art. V, sec. 15; art. XIV, sec. 2 as am. 1909.

46. 1911 P.L. 895 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 395. This board is composed of the commissioners, the auditors, and the treasurer.

ers alone were required to serve *ex officio* as the county board of elections,⁴⁷ the registration commission,⁴⁸ and the county institution district board.⁴⁹ A tuberculosis hospital advisory board, consisting of five citizens appointed by the court and serving for a 5-year term, was provided for by statute.⁵⁰ Adams County, however, does not have one.

The mercantile appraiser, formerly appointed by the county commissioners, was now named annually by the State Auditor General.⁵¹ Recently a county board of assistance composed of seven members appointed by the Governor with the approval of the State Senate, and serving for a 3-year term, has been created.⁵² The agricultural extension service of Pennsylvania State College appointed a county agricultural agent for Adams County in 1919.

General Administration. Administration of county affairs in Pennsylvania rests on the dual axes of the county commissioners and the court of quarter sessions. Although created exclusively to supervise the fiscal aspects of county government, the county commissioners at the end of the eighteenth century gradually assumed control over the processes of elections which they, acting *ex officio* as the county board of elections and the registration commission, share today with the court of quarter sessions. In addition, the court was given supervision over municipalities in the construction of public works such as roads and bridges, a power lodged in it at the present time, as well as supervision over the clerical officers in the compilation of public records.

Urbanization created new problems in the nineteenth century which demanded the increasing attention of the county; namely, the administration of public welfare in the form of institutional relief; prevention of and punishment for crime; and supervision over educational methods. Thus, the poor directors were empowered to provide for indigents in county institutions, while the county commissioners were made responsible for the maintenance of dependent and delinquent children and indigents. This dual responsibility continued until the formation of the county institution district in 1938 which is given complete control over all classes of indigents in need of institutional care.

The possibility of the rapid movement of criminals over improved roads and the possibility that they might hide in large towns led to greater activity on the part of the coun-

47. 1937 P.L. 1333 sec. 301(b).

48. 1935 P.L. 478 No. 195 am. 1937 P.L. 849 sec. 4; 1937 P.L. 487 sec. 3.

49. 1937 P.L. 2017.

50. 1925 P.L. 65 sec. 3; 1929 P.L. 1278 sec. 624.

51. 1899 P.L. 184 am. 1919 P.L. 936 sec. 1.

52. 1937 P.L. 2051 sec. 5.

ty in apprehending these persons. Thus, the machinery of the law was strengthened in the county and the functions of the district attorney, sheriff, and coroner were more closely integrated. The sheriff's responsibility over the county jail continues to date, a prison board never having been established in Adams County. It is the sheriff, also, who acts as jail warden.

In the field of education the county has never played a central role since educational activity is a State function. The county enters the picture only through the county superintendent of schools, and through the county board of school directors who supervise educational methods in certain districts and provide for transportation of students in rural areas.

The broad functional lines in administration are much the same today as they were when Adams County was created. The general trend is toward State control over county activities which lie in the realm of State administrative control, particularly in these cases where need is felt for uniformity in practice among the counties throughout the State.

Registration of Title to Property. Under the proprietary government of Pennsylvania, prospective purchasers of land were required to make written application to the State Land Office. This application was entered in a book, and a warrant, or order, was thereupon issued by the Secretary of the Land Office directing the Surveyor General to make a survey for the warrantee. A report of the survey was returned to the Land Office. Upon its acceptance the warrantee was entitled to receive a patent on the land, upon payment of the purchase price.⁵³ This procedure was continued under the government of the Commonwealth according to the former customs and usages of the proprietary Land Office.

Although modifications have been introduced in the matter of filing original titles, the essential outlines of procedure have been preserved.⁵⁴ In 1792 the deputy surveyor was directed to keep books in which to enter applications for warrants and descriptions of the land, and after having perfected his survey, to record the boundaries in a survey book.⁵⁵ A significant change occurred in 1850 when the task of executing surveys in the counties was given to an elected county surveyor who replaced the appointed deputy surveyor.⁵⁶

Legislation designed to establish a system for recording instruments relating to the conveyance of land was passed in 1715. In that year the cornerstone of the present

53. Robert G. Bushong, Pennsylvania Land Law, I, 332-338.

54. *Ibid.*, p. 350; 1781, 1 Sm.L. 529; 1784, 2 Sm.L. 102.

55. 1792, 3 Sm.L. 70 sec. 5.

56. 1850 P.L. 434 secs. 5, 10.

method was laid when the office of recorder of deeds was established for the purpose of recording every deed and mortgage brought to his office.⁵⁷ Subsequent legislation imposed upon him the duty of keeping appropriate indexes.⁵⁸ It was not until 1846, however, that the recorder of deeds was required to record original patents granted by the Commonwealth, as well as deeds of sheriffs, coroners, and treasurers.⁵⁹ In 1818 he was directed to record deeds of assignment for the benefit of creditors,⁶⁰ and in 1855, deeds of assignment for the benefit of creditors filed by nonresidents.⁶¹ The existing system of recording satisfactions of mortgages was instituted in 1715 when the mortgagee or his attorney, at the request of the mortgagor, was required to enter satisfaction on the margin of the record in the recorder's office.⁶² In 1849 the recorder was required to keep a record of assignments of mortgages.⁶³

In all transactions involving land, the tract must be identified. The identification on the record need not be a formal description, but may be by name,⁶⁴ number,⁶⁵ or by a description of any house erected on it.⁶⁶ The method used is to locate the tract and to fix either natural or artificial points on the ground, designating the owners of the adjoining land, the directions of the boundary lines ascertained by means of a surveying instrument, the length of the boundary lines from point to point, and the area of the tract.⁶⁷

Liens affecting the title to property other than mortgages must be recorded in the office of the prothonotary of the court of common pleas. Of these the most important are judgments, mechanics' liens, municipal liens, liens of in-

57. 1715, 1 Sm.L. 94 sec. 1. For comment on earlier attempts to establish a recording system, see Bushong, op. cit., II, 740, 741.

58. 1827 P.L. 154 sec. 5; 1875 P.L. 32 secs. 1-4.

59. 1846 P.L. 124 No. 100 sec. 1.

60. 1818 P.L. 285 sec. 5; 1901 P.L. 404 secs. 9, 10.

61. 1855 P.L. 415 sec. 1; 1857 P.L. 298 sec. 2.

62. 1715, 1 Sm.L. 94 secs. 9, 10; 1849 P.L. 524 sec. 14; 1915 P.L. 198 No. 106.

63. 1849 P.L. 524 sec. 14. Before 1849 there was a conflict of opinion on the recording of assignments of mortgages under 1775, 1 Sm.L. 422, on which see Bushong, op. cit., I, 188.

64. Glass v. Gilbert, 58 Pa. 266 (1868); McClement's Appeal, 2 Super. 443 (1896).

65. Greeley and Bemis v. Thomas, 56 Pa. 35 (1867); W. I. Bachop v. Stephen Critchlow, 142 Pa. 518 (1891); Fuller v. Cole, 33 Super. 563 (1907).

66. Bennett v. Bittle, 4 Rawle 339 (1834); Rogers v. Smith, 4 Pa. 93 (1846); Swartz v. Swartz, 4 Pa. 353 (1846); Wright v. Chestnut Hill Iron Ore Company, 45 Pa. 475 (1863). See also 1868 P.L. 97 sec. 1 and 1917 P.L. 447 sec. 34(a).

67. Bushong, op. cit., I, 310.

inheritance taxes, liquid fuel taxes, Federal taxes, surplus money bonds, and attachments.

The prothonotary is likewise the custodian of important records relating to property. He must keep a partition docket in which he enters all the proceedings in partition under the jurisdiction of the court of common pleas.⁶⁸ Partition proceedings of estates under the jurisdiction of the orphans' court must be recorded in a docket by the clerk of the orphans' court.⁶⁹

Judiciary. The composition of the first courts of common pleas of Adams County was determined under the authority of the Constitution of 1790, as defined by subsequent legislation, whereby the General Assembly was directed to divide the State into judicial circuits. The Governor was authorized to appoint a president judge for each circuit, and not less than three nor more than four additional associate judges in each county. They served during good behavior.⁷⁰ At the time the first court was held in Adams County in 1800, this county formed a part of the second judicial district. In 1806 Adams County together with Cumberland was severed from the second judicial district and transferred to the ninth judicial district. In 1835 York and Adams were constituted the nineteenth judicial district, but in 1874 Adams was transferred to the forty-second judicial district together with Fulton County.⁷¹ Important changes relative to the appointment of judges were prescribed by the Constitution of 1838. The Governor's appointments became subject to the approval of the State Senate, and the terms of the associate and president judges were fixed at 5 and 10 years respectively. This constitution was amended in 1850 and the judges became elective officials.⁷² The Constitution of 1874 required the people to elect one judge learned in the law and such additional judges as the General Assembly might provide. It also abolished the office of associate judge not learned in the law in counties constituting a separate judicial district.⁷³ Adams County, however, did not constitute a separate judicial district at any time. In 1895 Adams and Fulton were constituted the fifty-first judicial district. Today they have only a president judge.

Justices of the peace, magistrates, and aldermen comprise the lowest courts of the judicial hierarchy. These officers are elected in the various townships, boroughs, and

68. 1850 P.L. 569 sec. 27.

69. 1889 P.L. 23 No. 21; 1917 P.L. 337 sec. 42.

70. Const. 1790, art. V, sec. 4.

71. 1895 P.L. 190; Eastman, op. cit., III, 591, 650, 699, 752, 769, 770.

72. Const. 1838, art. V, sec. 2 as am. 1850. See also 1851 P.L. 648.

73. Const., art. V, sec. 5.

cities for terms of 6 years.⁷⁴ Theirs are not courts of record, and they have jurisdiction over lesser crimes and disputes. However, they may also hold over cases brought before them for grand jury action and subsequent trial in the courts of common pleas and quarter sessions and oyer and terminer.

The primary court of the judicial district consists of three branches: The court of common pleas, the court of quarter sessions, and the court of oyer and terminer. From time to time the jurisdiction of these courts has been re-stated.⁷⁵ Briefly it may be said that the court of common pleas has jurisdiction in all civil matters; the court of quarter sessions exercises jurisdiction over roads and bridges and the lesser crimes and misdemeanors; and the court of oyer and terminer handles crimes of a more serious nature. The court of quarter sessions was given additional powers under the acts of 1867 and 1895 when this court was empowered to adjudicate questions of nonsupport and desertion.⁷⁶ By the act of 1903 as amended in 1933, it was given jurisdiction over dependent, neglected, and delinquent children under 16 years of age, except in cases involving homicide.⁷⁷ The court of quarter sessions sitting in juvenile cases is sometimes referred to as the "juvenile court."

For many years the judges of the court of common pleas have presided over the orphans' court and have been empowered to supervise the "estate, usage and employment" of orphans.⁷⁸ A separate orphans' court has never been established in Adams County and the judges of the court of common pleas still preside over the orphans' court. Their jurisdiction in this respect has been defined by the Orphans' Court Act of 1917 and includes the probate of wills, settlement of the estates of minors and decedents, and adoption proceedings.⁷⁹

It should be added here that Pennsylvania, unlike many of her sister states, has no separate court of chancery. Instead, the powers of the latter are within the jurisdiction of the court of common pleas.⁸⁰ The president judge of

74. Const., art. V, sec. 11.

75. For a discussion of the provincial and post-Revolutionary development of these courts, see Eastman, *op. cit.*, I, 91, 151, 220, 311. See also 1836 P.L. 784 sec. 12; 1860 P.L. 427 secs. 31, 32; 1901 P.L. 605 sec. 1.

76. 1867 P.L. 78 sec. 1; 1895 P.L. 316 secs. 1, 2.

77. 1903 P.L. 274 sec. 1; 1933 P.L. 1433 sec. 1.

78. Lawrence Lewis, Jr., "The Courts of Pennsylvania in the Seventeenth Century," *The Pennsylvania Magazine of History and Biography*, V (1881), 155; 1700, II St. at L. 81 ch. 63; 1712, III St. at L. 14 sec. 1.

79. 1917 P.L. 363.

80. Const., art. V, sec. 20; 1700, II St. at L. 134 sec. 1; 1836 P.L. 784 sec. 13.

the judicial district, sitting in equity is known as the chancellor.

The Superior Court and the Supreme Court of Pennsylvania are the two appellate courts of the Commonwealth and operate for the State as a whole. The Superior Court, established by statute in 1895, has final jurisdiction in appeals of all criminal cases, except those involving felonious homicide, and cases concerning the right to a public office. In civil controversies its jurisdiction is appellate in all cases involving less than \$2,500.⁸¹

The Supreme Court, established in 1722, is the highest court of the State.⁸² It has original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth. It has appellate jurisdiction by appeal, certiorari, or writ of error in all cases. On appeal from the district courts, the Supreme Court hears cases involving sums over \$2,500 and criminals accused of felonious homicide.⁸³ Since the Supreme Court is the highest court in the judicial hierarchy of the Commonwealth, it is the ultimate authority in the interpretation of the constitution and the laws of the State.

Law Enforcement. From the earliest times the sheriff has been the chief conservator of the peace within the confines of the county. His power to summon a posse comitatus (band of citizens) in apprehending criminals and quelling riots and disturbances signifies the importance of the sheriff in the preservation of the peace. The power to suppress disorder may also be exercised by the coroner, the local justices of the peace, or the constables of municipalities.⁸⁴ The power of the State to preserve the peace is manifested in the present activities of the Pennsylvania Motor Police who are also active in enforcing the law in the counties. Although not superseding the authority of the sheriff, the Motor Police supplement his activities particularly where cooperation among the counties is necessary.

It has always been the duty of the coroner to investigate deaths of a suspicious or violent nature, and to hold inquests. The coroner as a judicial officer may empanel a jury of not more than six,⁸⁵ and may compel the attendance of witnesses to assist him in determining the cause of deaths and in fixing the responsibility. If the jury determines responsibility for a death, it is the coroner's duty

81. 1895 P.L. 212 secs. 1, 7; 1899 P.L. 248 sec. 3 am. 1923 P.L. 3 No. 2 sec. 1.

82. 1722, 1 Dall. 171 sec. 11.

83. Const., art. V, sec. 3; 1836 P.L. 784 sec. 1.

84. Sylvester B. Sadler, Criminal Procedure in Pennsylvania, I, 106.

85. 1857 P.L. 536 No. 592.

to apprehend the person so charged, for which purpose he may direct his warrant to the sheriff. The coroner is also a committing magistrate and if the jury should find a person guilty of homicide it is his duty to commit that person to prison, without bail, to await trial.⁸⁶ In the event that there is no coroner by reason of vacancy, or if he is absent from the county, or should his office be more than 10 miles distant from the place where the death occurred, a local justice of the peace may hold the inquest in his stead. Where an inquest is necessary, the coroner is empowered to order a post-mortem examination, and he can bind the county for the services of a physician.⁸⁷

Indictments are formal accusations directed against a person suspected of crime. The use of information is limited by the Pennsylvania Constitution to cases arising in military service or by permission of the court, in cases involving oppression or misdemeanor in office.⁸⁸ Bills of indictment and information, both of which are written statements accusing the defendant of an offense punishable by law, are prepared by the district attorney on behalf of the Commonwealth. Prior to 1850 this was the duty of the Attorney General. In that year, however, the duties of the deputy were vested in an elected district attorney.⁸⁹

Arrests are usually made upon information given under oath before a justice of the peace. If a prima-facie case is made out, the justice of the peace may bind over the accused for trial in the court of quarter sessions and oyer and terminer. After the bill of indictment has been prepared it must be laid before the grand jury, 12 of whom must concur in order to find a "true bill," thus placing the prisoner on trial.⁹⁰ The coroner may also make returns to the courts after an inquisition, and similarly, local constables are required to make returns of all offenses punishable by law, whereupon it becomes the duty of the district attorney to frame the indictment.⁹¹ Bills of indictment may also be based on presentments or reports of the grand jury made after investigation of public evils by direction of the court or from the knowledge of the jurors themselves.⁹² At times the district attorney may present an indictment before a grand jury without previous binding over or commitment of the accused. This procedure is employed only when there is urgent need in applying the law enforcement machinery.⁹³

86. Sadler, op. cit., I, 38, 39.

87. Ibid., II, 875.

88. Const., art. I, sec. 10.

89. Comm. ex rel. Miner et al. Appellants v. Margiotti, 325 Pa. 17 (1936); 1850 P.L. 654 sec. 1; 1929 P.L. 1278 sec. 246 am. 1931 P.L. 401 sec. 1 am. 1937 P.L. 2619 sec. 1; Const., art. XIV, sec. 1.

90. Sadler, op. cit., I, 39.

91. Ibid., p. 243. For returns of constables, aldermen, and justices of the peace, see 1875 P.L. 28 No. 31 sec. 3.

92. Sadler, op. cit., I, 251-255.

93. Ibid., pp. 255, 256.

The usual method of instituting proceedings in the apprehension of criminals is by means of a warrant of arrest issued by local justices of the peace, the sheriff, or the district attorney to an authorized ministerial officer such as a constable, deputy sheriff, or county detective directing the apprehension of the alleged offender.⁹⁴ The judges of the court of quarter sessions and oyer and terminer may also issue writs, warrants, and other processes to the sheriff or to the coroner when circumstances demand this procedure.⁹⁵ In cases of arrest by warrant, the constable or other officer must take the person named thereon into custody. In order to do this he is further empowered to call citizens to his assistance.⁹⁶ Arrests may also be made without a formal warrant for an offense which an officer sees committed. In cases of this nature, it is the duty of the officer making the arrest to take the accused without delay before a justice of the peace for formal accusation and hearing before he is incarcerated.⁹⁷ In 1909, however, the sheriff, constables, and members of the State Police, now the Pennsylvania Motor Police, were empowered to detain suspects for 48 hours in lockups or prisons until their cases could be disposed of according to law.⁹⁸ Since 1889 the county commissioners have had the power to offer a reward for the apprehension or detection of criminals.⁹⁹ After formal arrest is made the prisoner may be released on bail or may be committed to the custody of the sheriff or local constable and placed in jail. While in jail the accused is in custody of the warden; in Adams County the sheriff acts as warden.

The prosecution of persons accused of crimes begins after the bill of indictment has been brought into court as a "true bill" by the foreman of the grand jury. At all such times the district attorney or his assistant is the legal adviser of the grand jury. It is his duty as prosecuting attorney to bring proper witnesses before the jury as well as to superintend the examination of the witnesses and to give instructions on all questions of law.¹⁰⁰ The district attorney, as the successor of the deputy attorney general, represents the Commonwealth in criminal prosecutions. He must endorse the bills of indictment and conduct all criminal and other prosecutions in the name of the Commonwealth. He may not discharge a prisoner from custody nor enter a nolle prosequi without first obtaining the approbation of the court in writing.¹⁰¹

94. Sadler, op. cit., I, 78.

95. 1860 P.L. 427 sec. 1.

96. Sadler, op. cit., I, 87.

97. Ibid., pp. 91-98.

98. 1909 P.L. 141 No. 92 sec. 1.

99. 1889 P.L. 132 No. 147 am. 1919 P.L. 41 No. 31 but rep. 1929 P.L. 1278 sec. 1051 and reen. in sec. 491.

100. Sadler, op. cit., I, 266, 267, 274.

101. 1850 P.L. 654 sec. 1.

After a verdict of guilty has been rendered by the jury the court of quarter sessions and oyer and terminer may sentence the prisoner to a State penitentiary or to the county jail.¹⁰² In some cases prisoners are committed to a workhouse as in Allegheny County.¹⁰³ The length of the prison term is prescribed by law. Women over 16 years of age are committed to the State Industrial Home at Muncy, since they may not be imprisoned in a State penitentiary.¹⁰⁴ Male criminals between the ages of 15 and 25 not known to have been previously sentenced to any State prison, may be sent to the Pennsylvania Industrial School at Huntingdon.¹⁰⁵ Male or female incorrigible children under the age of 21 years, may be admitted to the Pennsylvania Training School at Morganza.¹⁰⁶

Dependent, neglected, and delinquent children under 18 may be committed, after a hearing by juvenile court, to any society organized for the protection of children; to approved families; or to an industrial or training school.¹⁰⁷ When a jury acquits a defendant on grounds of insanity he must be examined and if found to be insane he is committed to a hospital for mental diseases under the Mental Health Act of 1923. The county bears the expense.¹⁰⁸ In all cases it is the duty of the sheriff or his deputy to deliver prisoners and insane persons to the proper places of confinement.¹⁰⁹

Finance. Since there is no elected controller in Adams County, the county commissioners meet annually in order to calculate the probable expenses of the county for the following year.¹¹⁰ Under the provisions of the General County Law of 1929 as amended in 1935, when the returns of the locally elected assessors have been made, the commissioners may fix the rate of taxation upon the adjusted valuation of the property of the county necessary to meet the budgeted expenses.¹¹¹ Final action may not be taken on the proposed budget until after at least 10 days public notice, and the budget must be published at least 20 days prior to the date set for its adoption. Within 15 days after adoption, a copy

102. Sadler, op. cit., I, 732, 733.

103. 1866 P.L. 8; 1871 P.L. 184.

104. 1935 P.L. 1165.

105. 1887 P.L. 63 No. 30 sec. 4.

106. 1850 P.L. 538 sec. 15 saved from repeal by 1933 P.L. 1433 sec.

29 and 1933 P.L. 1449 art. V secs. 502, 503.

107. 1933 P.L. 1433 sec. 8 am. 1939 P.L. 394 sec. 1.

108. 1923 P.L. 998 art. III secs. 303, 304, 307, 308. See also 1845 P.L. 440 sec. 10 and 1860 P.L. 427 title VI sec. 66 am. 1929 P.L. 532 sec. 2.

109. 1887 P.L. 63 sec. 9; 1917 P.L. 237 No. 129; 1923 P.L. 1044 sec. 3 am. 1929 P.L. 640 sec. 3; 1929 P.L. 1278 sec. 186.

110. 1717-18, III St. at L. 175 sec. 2; 1724-25, IV St. at L. 10 sec. 3; 1799, 4 Dall. 508 sec. 7.

111. 1929 P.L. 1278 sec. 361 am. 1935 P.L. 1184 sec. 2.

of the budget must be filed with the Department of Internal Affairs. The commissioners may not increase the expenditures of the county to an amount beyond the taxes assessed. They may authorize the transfer within the fund of any unencumbered balance from one spending agency to another, only during the last 9 months of the year.¹¹²

The expenditures of the following county officers and institutions are subject to budgetary control: County commissioners, solicitor, prothonotary, clerk of courts, recorder of deeds, register of wills, sheriff, coroner, district attorney, probation and parole officers, jury commissioners, treasurer, auditors, county superintendent of schools, surveyor, and inspector of weights and measures. Budgets for school districts in Adams County are prepared by the board of school directors in the same manner as the county budgets.¹¹³

Two classes of property, real and personal, are taxable for county purposes, in Pennsylvania. Real property includes lands, houses, lots, mills, factories, buildings, and structures of all kinds. Personal property includes furniture, horses, cattle, and machinery. Intangibles, such as mortgages, notes, loans, stocks, and bonds, are taxed exclusively for county purposes at the rate of 4 mills.¹¹⁴ This tax was first levied in 1913.¹¹⁵ Trades and occupations are likewise subject to a county levy. All real estate taxable for county purposes is subject to school taxes by school directors¹¹⁶ who, in addition, may levy a per capita tax.¹¹⁷ Prior to 1938 taxes for purposes of poor relief were levied as part of the general county tax on real estate and occupations by the county commissioners; since that time they have been levied by the county institution district which is composed of the county commissioners ex officio. This tax may not exceed 10 mills.¹¹⁸ Specific exemptions from property taxes for county, road, poor, and school purposes include: Property of churches; all burial grounds and mausoleums not in use for private gain; property of educational and charitable institutions; of municipalities; all school houses,

112. Pennsylvania Economic Council, Budget Programs and Requirements for Local Governments in Pennsylvania, p. 3, hereinafter cited as Pa. Econ. Council, Budget Programs.

113. Pa. Econ. Council, Budget Programs, p. 7.

114. Tanger and Alderfer, op. cit., pp. 215, 216.

115. 1913 P.L. 507 No. 335 sec. I.

116. 1911 P.L. 309 sec. 537 am. 1921 P.L. 508 sec. 1.

117. 1911 P.L. 309 sec. 542 am. 1919 P.L. 997 sec. 1 further am. 1921 P.L. 508 sec. 4.

118. Pennsylvania Department of Welfare, Poor Relief Administration in Pennsylvania, chart No. 1, hereinafter cited as Pa. Dept. Welfare, Poor Relief Administration; Pennsylvania Economy League, The County Institution District - Its Organization, Powers, Duties and Responsibilities, p. 4, hereinafter cited as Pa. Econ. League, County Institution District.

public libraries, and museums; and playgrounds, public parks, courthouses, jails, and poorhouses.¹¹⁹

The county commissioners of Adams County have always been the chief assessing authorities. Today they share this responsibility with the locally elected assessors.¹²⁰ The county commissioners issue their precepts to the assessors to make triennial assessments of property subject to county taxes. Returns must be made by the assessors at times statuted by law, whereupon it becomes the duty of the commissioners to publish a list of the total assessments made by each assessor, and to indicate a date for a hearing by the board of revision for equalization and review. After revisions are made, the county commissioners prepare the tax rolls which they must submit to local tax collectors.¹²¹ The latter officials were appointed by the county commissioners until 1893, at which time they became elected officials in the municipalities.¹²² Amounts collected for county purposes must be paid to the county treasurer, who must give receipts for taxes paid.¹²³

In the school districts of Adams County, as in all counties, school taxes are levied and assessed by the board of school directors.¹²⁴ The county commissioners are required by law to give each school district of the third class, except those coextensive with cities of the fourth class and fourth-class districts, a certified duplicate of the last adjusted valuation of all realty, personalty, and occupations. The name of each taxable must be stated with a description of the property or occupation assessed, and a list of inhabitants assessed.¹²⁵ In addition the school board may levy a per capita tax of not less than \$1 nor more than \$5 on each person over 21 years of age residing in the district.¹²⁶ Tax duplicates must be furnished to local districts by the board of school directors.¹²⁷ Taxes for school purposes may not exceed 25 mills on the dollar.¹²⁸

119. 1933 P.L. 853 art. II sec. 204.

120. 1889 P.L. 7 No. 8 sec. 1 rep. as to boros. 1927 P.L. 519 art. XXXIII sec. 3301; as to twps. 1917 P.L. 84 sec. 1500; 1889 P.L. 7 No. 8 sec. 2 am. 1889 P.L. 143 No. 148 sec. 1 rep. as to boros. 1927 P.L. 519 art. XXXIII sec. 3301.

121. Harold F. Alderfer, "The County," Report of the Pennsylvania Local Government Survey, pp. 53-57; 1842 P.L. 441 sec. 11.

122. 1799, 3 Sm.L. 392 ch. MMLXXIV sec. 10; 1835 P.L. 45 sec. 1; 1893 P.L. 333 No. 273.

123. 1717-18, III St. at L. 175 sec. 6; 1891 P.L. 212 No. 185.

124. 1911 P.L. 309 art. V. sec. 501.

125. 1911 P.L. 309 art. V. sec. 541 am. 1921 P.L. 508 sec. 3 am. 1935 P.L. 363 sec. 1.

126. 1911 P.L. 309 art. V. sec. 542 am. 1919 P.L. 997 sec. 1 further am. 1921 P.L. 508 sec. 4.

127. 1911 P.L. 309 art. V. sec. 546.

128. Ibid., sec. 537; 1921 P.L. 508 sec. 1.

In 1809 the county treasurer was authorized to sell unseated lands for delinquent taxes, a power formerly exercised by the sheriff.¹²⁹ This power was extended in 1844 to include the sale of seated lands for unpaid taxes.¹³⁰ Since that time much legislation has been passed making provisions for the sale of lands for nonpayment of taxes. A claim for taxes constitutes a lien against the land in any sale in execution proceedings and has priority over other liens. In some cases the land has been returned to the county commissioners for failure to pay taxes. All seated and unseated lands sold to the county commissioners may be redeemed within a fixed period of time by the owner, and the county treasurer must issue receipts for such sales and record the same.¹³¹ The right of redemption of seated lands sold for taxes to the county commissioners, who may purchase the same in case there are no bidders for a sum equal to the taxes due and the costs, extends for 2 years.¹³² Unseated lands may also be purchased by the commissioners under these conditions, in which case the right of redemption extends for 5 years.¹³³ Payments in both cases are made by the owner to the county treasurer. Unredeemed seated¹³⁴ and unseated¹³⁵ lands may be sold by the commissioners at a public sale.

The issuance of licenses and the collections of license taxes are performed by various county authorities on behalf of the Commonwealth. The county treasurer functions as an agent of the State in issuing licenses to hunters,¹³⁶ fishermen,¹³⁷ operators of kennels and owners of dogs,¹³⁸ and mercantile establishments;¹³⁹ he collects taxes for the same. From 1933 until 1937 the treasurer was authorized to issue malt beverage retail dispenser licenses, but in the latter year this responsibility was shifted to the State Liquor Control Board.¹⁴⁰ The clerk of orphans' court is the Commonwealth's agent for issuing marriage licenses and col-

129. 1809 P.L. 192 sec. 1.

130. 1844 P.L. 486 sec. 41; 1929 P.L. 1684; 1931 P.L. 280.

131. For miscellaneous provisions on different types of tax sales and the right of redemption, see acts of 1815 P.L. 177 sec. 4 am. 1935 P.L. 663 sec. 1; 1840 P.L. 349 sec. 7; 1849 P.L. 279 secs. 1, 2 extended 1850 P.L. 569 sec. 33; 1879 P.L. 55 No. 52 sec. 1; 1923 P.L. 207.

132. 1885 P.L. 268 sec. 3 am. 1889 P.L. 141 sec. 1.

133. 1815 P.L. 177 sec. 6.

134. 1885 P.L. 268 sec. 4.

135. 1815 P.L. 177 sec. 7.

136. 1913 P.L. 85 sec. 7; 1917 P.L. 155 sec. 2; 1923 P.L. 359 art. III sec. 308 am. 1929 P.L. 444 sec. 6; 1935 P.L. 151 sec. 308.

137. 1919 P.L. 778 sec. 6; 1925 P.L. 448 sec. 223 am. 1929 P.L. 451 sec. 4.

138. 1917 P.L. 818 secs. 4, 11 rep. 1921 P.L. 522 sec. 43 but reen. in secs. 3, 11 am. 1925 P.L. 115 sec. 1 and 1925 P.L. 641 further am. 1927 P.L. 833 secs. 2, 6 further am. 1929 P.L. 456 sec. 3.

139. 1899 P.L. 184 sec. 5.

140. 1933 P.L. 252 sec. 6 am. 1933-34 (Sp. Sess.) P.L. 75 No. 14 sec. 1 and 1935 P.L. 1247 further am. 1937 P.L. 1827 sec. 1.

lecting licenses fees,¹⁴¹ whereas the sheriff issues licenses and collects taxes for firearms.¹⁴² All license taxes collected by these officers must be paid into the State Treasury where these funds constitute part of the State's revenue.¹⁴³

Since 1929, counties have received contributions from the State Liquid Fuels Tax Fund. Prior to 1931, $\frac{1}{2}$ cent per gallon of all taxes collected for this fund were credited to the counties for highway construction. Distributions were made in direct ratio to the amount of gasoline tax collection in the county during the preceding year.¹⁴⁴ Each county now receives amounts in the ratio that the average return to the county from the fund of the last 3 preceding years bears to the average amount returned to all counties during the last 3 preceding years.¹⁴⁵ Fines, forfeited recognizances, and other forfeitures imposed in any court are in most cases to be paid into the State Treasury according to existing laws. Those forfeitures which are not covered by these laws, and those collected for the violation of any ordinance, must be certified and sent by the clerk of the proper court to the office of the county commissioners together with the judgment and orders of the court on all forfeited recognizances sued upon in that court. All money thus collected must be paid into the county treasury.¹⁴⁶ Under the provisions of the Federal Social Security Act, Federal grants-in-aid are made available to the State for the care of neglected children in rural areas,¹⁴⁷ for the aged;¹⁴⁸ for the blind;¹⁴⁹ for maternal and child welfare;¹⁵⁰ for crippled children;¹⁵¹ for vocational rehabilitation;¹⁵² and for public health work.¹⁵³

The State Council of Education is required to "promptly invest . . . all receipts derived from or on the account of the State Forest reservations; all proceeds from the sales of real estate received by the State Treasurer; together with all appropriations, devises, gifts, and other receipts for this purpose, as a permanent State school fund, whose

141. 1885 P.L. 146 sec. 1.

142. 1931 P.L. 497 sec. 7.

143. 1790, XIII St. at L. 486; 1893 P.L. 125 sec. 1.

144. 1929 P.L. 1037 sec. 10 rep. 1931 P.L. 149 sec. 25.

145. 1931 P.L. 149 sec. 10 am. 1935 P.L. 412 sec. 1.

146. 1929 P.L. 1278 sec. 384.

147. 1935, 49 U. S. Stat. 620 ch. 531 title V sec. 521(a, b).

148. Ibid., title I sec. 3(a).

149. Ibid., title X sec. 1001.

150. Ibid., title V sec. 501.

151. Ibid., sec. 511.

152. Ibid., sec. 531.

153. Ibid., title VI sec. 601.

income only may be expended."¹⁵⁴ This fund is intended to aid financially distressed school districts. Federal funds for the promotion of vocational education are made available by the Smith-Hughes Law of 1917 and the George-Reed Act of 1929.¹⁵⁵

Since there is no controller in Adams County, claims against the county are submitted to the county treasurer, and payments are made on warrants drawn by the county commissioners. The treasurer must keep accounts of all money received or disbursed and furnish the commissioners with a statement of all money received and disbursed since the date of his last statement. Once a year he must state his accounts and produce his vouchers which must be examined by the county commissioners and then laid before the county auditors for settlement.¹⁵⁶ The auditors examine the accounts of county officers and report annually to the court of common pleas.¹⁵⁷ These reports must be published.¹⁵⁸

Until 1791 accounts of county officers were audited by justices of the county courts and by the grand jury.¹⁵⁹ Thereafter and until 1809 they were audited by three free-holders appointed by the court of common pleas.¹⁶⁰ By an act passed in 1809 elected auditors were to exercise this duty.¹⁶¹ In school districts of the second and third classes, school accounts are audited by the controller or auditor of the municipality in which such district is located, and by auditors in townships and boroughs. Fourth-class school district accounts are audited by the auditors of boroughs and townships in which such school district is located.¹⁶² Although the county commissioners and the treasurer keep accounts of the county institution district, it is the three county auditors who must audit these accounts just as they do those of all other county funds.¹⁶³

The county commissioners may issue bonds for the several

154. Pennsylvania Department of Public Instruction, Biennial Report of the Superintendent of Public Instruction, 1938, p. 28, hereinafter cited as Pa. Dept. Pub. Instr., Biennial Report; 1911 P.L. 309 sec. 2701 am. 1915 P.L. 325 sec. 1 am. 1923 P.L. 143 sec. 1.

155. Pennsylvania Department of Public Instruction, One Hundred Years of Free Public Schools in Pennsylvania, p. 25, hereinafter cited as Pa. Dept. Pub. Instr., Schools in Pennsylvania.

156. 1799, XVI St. at L. 375 sec. 14; 1929 P.L. 1278 sec. 362.

157. 1929 P.L. 1278 sec. 363; 1931 P.L. 401 sec. 1.

158. 1929 P.L. 1278 sec. 364; 1935 P.L. 1184 sec. 2.

159. 1732, 1 Dall. 282.

160. 1791, 3 Sm.L. 15 sec. 1.

161. 1809, 5 Sm.L. 19 rep. 1929 P.L. 1278 sec. 1051; 1810 P.L. 207; 1814 P.L. 44; 1834 P.L. 537 sec. 44 rep. 1929 P.L. 1278 sec. 1051.

162. 1911 P.L. 309 sec. 2603 am. 1923 P.L. 949 No. 378 sec. 1 further am. 1925 P.L. 382 sec. 1 further am. 1933 P.L. 1152 sec. 13; 1911 P.L. 309 sec. 2604 am. 1933 P.L. 1152 sec. 14.

163. 1937 P.L. 2017 sec. 310.

purposes defined by law. Methods by which the funded debt of the county might be paid were prescribed by the act of 1911 when a sinking fund commission, composed of the county commissioners, auditors, and treasurer was given the authority to administer county funds applied toward the ultimate reduction of the bonded indebtedness of the county.¹⁶⁴

Elections. The Constitution of Pennsylvania establishes the following qualifications for suffrage: The elector must be at least 21 years of age, a citizen of the United States for at least a month, and a resident of the State of Pennsylvania for at least 1 year next preceding the date of election and of the election district, where he proposes to vote, for at least 2 months. If a once qualified elector or native-born citizen has moved away from the State and later returns, he is required to have been in residence in the State for 6 months next preceding the election.¹⁶⁵ The qualifications of electors at primaries are the same as qualifications of electors entitled to vote at elections. As early as 1766, Pennsylvania adopted a tax payment qualification for suffrage, which requirement, however, no longer exists.¹⁶⁷

Prior to the passage of the Permanent Personal Registration Act of 1937 the process of registering voters in Pennsylvania had already begun. Registration progressed through three stages: First, the preparation of registry lists by local assessors in the municipalities, a system at once permanent and nonpersonal; second, the annual personal registration of voters instituted in second-class cities in 1906 and in third-class cities in 1911; and third, permanent personal registration as established in third-class cities in 1935 and extended to boroughs and townships in 1937. The provisions of the act of 1935, however, do not apply to Adams County, since this county has no third-class cities. In the earlier days an elector was not required to have his name on an election list as a condition to voting. Because of the prevalence of fraudulent voting, an act was passed in 1869, requiring local assessors to compile registry lists which, when completed and revised, were sent to the county commissioners. The commissioners placed these lists in alphabetical order, and furnished two copies of each to the election officers.¹⁶⁸ After 1874 special registry assessors

164. 1911 P.L. 895 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 395.

165. Const., art. VIII, sec. 1 as am. 1901 and 1903; 1937 P.L. 1333 sec. 701.

166. 1937 P.L. 1333 sec. 702.

167. Tanger and Alderfer, op. cit., p. 4; 1839 P.L. 519 sec. 65 rep. 1937 P.L. 1333 sec. 1901.

168. 1869 P.L. 48 secs. 1-3; 1874 P.L. 31 sec. 1 am. 1891 P.L. 134 sec. 1 am. 1933-34 (Sp. Sess.) P.L. 236 sec. 1 rep. 1937 P.L. 487 sec. 46(2, 4, 7, 14).

were elected to perform these duties.¹⁶⁹

Under the present registration laws an elector who changes his residence must notify the registration commission of his removal, within 30 days of the primary or election, and transfer of the elector's registration card must be made by the commission.¹⁷⁰ In case an elector wishes to change his political affiliation in order to vote at the primaries, notice must be sent to the commission or to a local registrar and changes made in the registers.¹⁷¹ The registration commission is further empowered to verify the registration in any election district.¹⁷²

The qualifications of candidates seeking office are prescribed by the constitution. Thus no person may be appointed to any office within the county who has not been a citizen or an inhabitant therein for at least a year before his appointment.¹⁷³ A candidate must also have been nominated in the direct primary according to party rules and regulations.¹⁷⁴ Nomination petitions of candidates for county and local offices were filed with the county commissioners until 1937, and thereafter with the county board of elections which is composed of the county commissioners ex officio.¹⁷⁵ With the adoption of the Uniform Primaries Act of 1906, the local election boards were granted authority to conduct the primaries and the county was made responsible for necessary expenses.¹⁷⁶

All primaries and elections are conducted by ballot except in districts in which voting machines have been authorized. Prior to 1937 all ballots were provided for and ordered printed by the county commissioners,¹⁷⁷ and thereafter by the county board of elections.¹⁷⁸ The Election Code of 1937 requires that separate official ballots be prepared for the primaries, the names of candidates being arranged under the title of the office which they seek. The order is determined by the casting of lots.¹⁷⁹ In general, municipal, and special elections the names of the candidates must be arranged under the title of the office for which they are

169. 1874 P.L. 31 sec. 15 am. 1933-34 (Sp. Sess.) P.L. 236 sec. 5 rep. 1937 P.L. 487 sec. 46(b). The amendment of 1933-34 provided that in boroughs and townships containing but one district, the tax assessor should act as registry assessor.

170. 1937 P.L. 487 secs. 26(a), 27; 1937 P.L. 849 sec. 28.

171. 1937 P.L. 487 sec. 28; 1937 P.L. 849 sec. 29.

172. 1937 P.L. 487 sec. 30; 1937 P.L. 849 sec. 31.

173. Const., art. XIV, sec. 3.

174. Tanger and Alderfer, *op. cit.*, pp. 21-23.

175. *Ibid.*, p. 28; 1937 P.L. 1333 sec. 913.

176. 1906 P.L. 46 secs. 1, 7, 8 rep. 1913 P.L. 719 sec. 25 but reen. in secs. 11, 12.

177. 1799, 4 Dall. 332 sec. 6.

178. 1937 P.L. 1333 sec. 1001.

179. *Ibid.*, sec. 1002(a, b).

candidates, and be printed thereunder in the order of the votes obtained by the Presidential electors of the parties at the last Presidential election, beginning with the party obtaining the highest number of votes.¹⁸⁰ If voting machines are used, the names of the candidates must appear in corresponding order.¹⁸¹

All regular elections are held on the Tuesday after the first Monday of November. General elections, at which national and State-wide officers are voted upon, are held in even-numbered years; while municipal elections, at which municipal and county officers, including district judges, are elected, are held in odd-numbered years. Judges of the Supreme and Superior Courts may be elected at either election.¹⁸² By a two-thirds vote the General Assembly may change the days of election but not the year.¹⁸³

There are two regular direct primaries. The first is the spring primary held in even-numbered years on the third Tuesday of May, except in years of the nominations for President, when it is held on the fourth Tuesday of April.¹⁸⁴ The second is the fall primary held on the second Tuesday of September of odd-numbered years. It is then that county, municipal, and other local officers are nominated.¹⁸⁵

When vacancies exist in the United States Senate and in the House of Representatives, and for Senator and Representative in the General Assembly, special elections must be held at the order of the Governor so that the vacancy may be filled for the unexpired term.¹⁸⁶

Each township and borough not divided into wards, and each ward of every city, borough, and township, constitutes a separate election district. The court of quarter sessions, however, is empowered to subdivide any borough, township, or city ward into two or more election districts upon receiving a petition from 20 registered electors or the county board of elections.¹⁸⁷

A cleavage exists in Pennsylvania between the county board of elections and the precinct election officers. In 1799 the latter were made elective officials and in 1839 provision was made for their election on a bipartisan basis. The present constitution recognizes these offices and their

180. 1937 P.L. 1333 sec. 1003(b, f).

181. Ibid., sec. 1110.

182. Const., art. VIII, sec. 2 as am. 1909, sec. 3 as am. 1913; 1937 P.L. 1333 secs. 601, 602.

183. Tanger and Alderfer, op. cit., p. 39.

184. 1937 P.L. 1333 sec. 603.

185. Ibid., sec. 604.

186. Ibid., secs. 626-628.

187. Const., art. VIII, sec. 11 as am. 1928; 1937 P.L. 1333 secs. 501-504.

present duties are defined by the Election Code of 1937.¹⁸⁸ All primaries and elections are conducted in each election district by the local board which consists of a judge of elections, a majority inspector of elections, and a minority inspector, assisted by clerks, and, where voting machines are used, by machine inspectors. Judges and inspectors are elected biennially by the voters in the election district.¹⁸⁹ The board appoints the machine inspectors and the majority and minority inspectors appoint the clerks.¹⁹⁰ In 1868 provision was made for the appointment by the court of common pleas of two overseers belonging to opposite political parties, upon petition of at least five citizens of the election district. This method is still followed today.¹⁹¹ A system of supervision of local elections by watchers was established as early as 1891.¹⁹² Under the present system each candidate for nomination or election is entitled to two watchers in each election district.¹⁹³

The duty of furnishing election districts with necessary polling places devolved upon the county commissioners until 1937 when this was made the responsibility of the county board of elections.¹⁹⁴ Polling places must consist of a single room and be furnished with a guard rail. The board is authorized to fix the compensation for rent, heat, light, and janitorial services.¹⁹⁵ It has always been the duty of the local law enforcement officers, such as constables, police officers, and the sheriff or his deputy, to maintain order at polling places.¹⁹⁶

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As early as 1839 a statute was enacted permitting citizens of Pennsylvania serving in the army to vote.¹⁹⁷ Since this section of the law was subsequently declared unconstitutional, an amendment was made in 1864 to the Constitution of 1838, and later embodied in the present constitution, permitting citizens in military service, under requisition of the President of the United States or by the authority of the Commonwealth, to vote while absent from their election districts. The act of 1923, permitting others to vote while away from their voting district was declared unconstitutional.¹⁹⁸ In 1937, however, provision was again made permitting

188. Edward B. Logan, Supervision of the Conduct of Elections and Returns with Special Reference to Pennsylvania, p. 4; 1937 P.L. 1333.

189. 1937 P.L. 1333 sec. 401.

190. Ibid., sec. 404.

191. 1868 P.L. 30 sec. 9; 1937 P.L. 1333 sec. 415.

192. 1891 P.L. 349 sec. 24.

193. 1937 P.L. 1333 sec. 417(a).

194. Ibid., sec. 302(b).

195. Ibid., secs. 530(a), 531.

196. 1839 P.L. 519 sec. 111 rep. 1937 P.L. 1333 sec. 1901 but reen. in sec. 1821.

197. 1839 P.L. 519 secs. 43-50 rep. 1937 P.L. 1333 sec. 1901.

198. "Review of Absentee Voters Legislation in Pennsylvania," University of Pennsylvania Law Review, LXXIII (1925), 176-181; see also Const., art. VIII, sec. 6; 1923 P.L. 309 secs. 1-13.

absentee voters in military service the right of suffrage.¹⁹⁹

Prior to 1937 the returns of municipal and general elections were forwarded by precinct election officers, after they had counted the votes cast, to the prothonotary who presented them to the court of common pleas. The judges computed the returns and gave certificates of election, under seal of the court of common pleas, to the proper persons.²⁰⁰ Upon the adoption of the uniform primaries laws of 1906 and 1913, returns of primaries were directed to be sent to the county commissioners who computed the vote.²⁰¹ The authority of the court of common pleas and county commissioners in this respect was wholly ministerial, since they merely tabulated the returns as indicated on the face of the precinct return sheets. Since the passage of the Election Code of 1937, all returns in the municipal, general, and primary elections are required to be sent to the county board of elections. At the close of the polls the number of votes must be counted, certified, and signed by the judge and inspectors. The county board of elections also computes and canvasses the returns. Its duties in this regard are elaborately outlined by statute, and designed to be an effective check on the returns as computed by the local election officers.²⁰²

Education. At the time Adams County was established, formal education of the children in this territory had not yet progressed to any considerable extent. During the early part of the nineteenth century the only schools which existed in the counties were either church or subscription schools supported by private contributions. In 1809 the General Assembly had directed each county to provide free education in these schools at the county's expense for pauper children between 5 and 12 years of age. A system of free public schools was established shortly thereafter by the Free School Act of 1834 as amended the following year. This law declared every township, borough, and city a separate school district and provided for a local board of school directors for each district.²⁰³

Although the public school system has always been an integral part of State government, supervision between 1834 and 1854 was primarily local, at which time district inspectors of schools, appointed by the school boards, carried out the mandate of the local bodies.²⁰⁴ In 1854 a county system of supervision was introduced when the office of county superintendent of schools was established to supersede the

199. 1937 P.L. 1333 secs. 1301-1330.

200. Logan, op. cit., p. 60.

201. 1906 P.L. 36; 1913 P.L. 719 sec. 14.

202. 1937 P.L. 1333 secs. 1310, 1401-1418.

203. Pa. Dept. Pub. Instr., Schools in Pennsylvania, pp. 15-18.

204. Ibid., pp. 32, 60.

local inspectors. It became the duty of the county superintendent, as an executive officer, to visit all the schools in his county, to examine and certify teachers, and to see that the curriculum prescribed by law and local boards was followed.²⁰⁵ Restrictions were imposed upon the authority of the county superintendent in 1867 when district superintendents were provided in those communities having a population of 5,000 or over; such communities were removed from the jurisdiction of the county superintendent. In 1911 the office of supervising principal was authorized for districts of the third and fourth classes having no district superintendent, but this office continued to be under the direct supervision of the county superintendent.²⁰⁶ The School Code of 1911 set up the present classification of school districts. City, borough, and township districts are now divided into four classes based on population.²⁰⁷ Of Adams County's 33 districts 1 is a third-class district and 32 are districts of the fourth class. None of these districts is under the supervision of a district superintendent; they are under the direction of the county superintendent. County superintendents were elected for a 3-year term at a meeting attended by school directors of all districts under their supervision until 1911, when their tenure was increased to 4 years.²⁰⁸

At the head of the State educational system is the State Superintendent of Public Instruction whose office was created in 1857. Prior to that time public schools were administered by the Secretary of the Commonwealth who had the additional title of Superintendent of Common Schools.²⁰⁹

The public high school was established in 1887 in cities and boroughs which had been divided into wards.²¹⁰ The Law of 1893, which was later repealed, permitted the establishment of high schools in boroughs not divided into wards for school purposes and having a population of at least 5,000.²¹¹ In 1895 provision was made for the establishment of high schools in every district of the State.²¹² The High School Act of 1905 required districts not maintaining a high school to pay the tuition of their pupils in another district.²¹³ The School Code of 1911 which repealed all of these acts, made provision for a complete system of

205. Pa. Dept. Pub. Instr. Schools in Pennsylvania, p. 60; 1854 P.L. 617 sec. 37.

206. Pa. Dept. Pub. Instr., Schools in Pennsylvania, p. 61; 1911 P.L. 309 sec. 1214.

207. 1911 P.L. 309 secs. 101-106.

208. Ibid., sec. 1104.

209. Const., art. IV, sec. 20; Pa. Dept. Pub. Instr., Schools in Pennsylvania, p. 76.

210. 1887 P.L. 104 sec. 1.

211. 1893 P.L. 146 rep. 1911 P.L. 309.

212. 1895 P.L. 413 sec. 1 rep. 1911 P.L. 309.

213. 1905 P.L. 40 No. 23 am. 1907 P.L. 202 rep. 1911 P.L. 309.

secondary education and encompassed all of the above provisions in slightly altered form.²¹⁴

Vocational education or training in agriculture, home economics, and industrial education was provided for by the Showalter Act of 1917 which accepted provisions of the Federal Smith-Hughes Act granting Federal aid. Continuation schools were authorized by the Coxe Child Labor Act of 1915. The Federal George-Reed Act of 1929 provided for additional funds for agriculture and home economics education. Agriculture as a vocation is taught in rural high schools and is under the supervision of a county vocational education adviser. Similarly, vocational home economics is taught in rural communities through the services of the county home economics education adviser. Both advisers are State employees. In 1911 the General Assembly provided for extension education for boys and girls who were employed, and for adults whose earlier education had been restricted; and in 1937 it provided for courses in parent education, the most important phase of which is the training of foreign-born mothers in American customs and civilization.²¹⁵

After the passage of the Free School Act of 1834, single-roomed schools were constructed in isolated areas owing to the scattered population. Because of the expense entailed in operating these schools and the transportation difficulties involved, a movement to consolidate rural schools culminated in the passage of the act of 1901. This law provided for the consolidation of township schools, the establishment of township high schools, and the transportation of pupils to these central schools at the expense of the district. This authority was reaffirmed by the act of 1911 and encouraged by the act of 1919 which required school directors to discontinue one-teacher schools having an average term attendance of 10 or less, unless the State Council of Education permitted their continuance. A further stimulus was provided in 1925 when the State agreed to pay as high as 75 percent of the transportation costs of these pupils. The State Council of Education has established standards for motor vehicles transporting children, and for stations in rural areas. In connection with the establishment of consolidated schools, selecting sites, determining

214. 1911 P.L. 309 sec. 1701 am. 1921 P.L. 1036 sec. 1 further am. 1925 P.L. 166 sec. 1; 1911 P.L. 309 sec. 1702 rep. 1925 P.L. 166 sec. 3; 1911 P.L. 309 secs. 1704, 1705 am. 1921 P.L. 1036 secs. 2, 3; 1911 P.L. 309 sec. 1707 am. 1915 P.L. 672 further am. 1925 P.L. 166 sec. 2 further am. 1927 P.L. 687 further am. 1927 P.L. 289 No. 439; 1911 P.L. 309 sec. 1708 am. 1923 P.L. 455 No. 247 further am. 1925 P.L. 435 sec. 3; 1911 P.L. 309 sec. 1711 am. 1921 P.L. 1036 sec. 4; 1911 P.L. 309 sec. 1711(a) added 1931 P.L. 243 sec. 38 am. 1937 P.L. 564; 1911 P.L. 309 secs. 1703, 1706, 1709, 1710, 1712-15; 1911 P.L. 309 sec. 1716 added 1925 P.L. 435 sec. 2.

215. 1911 P.L. 309 sec. 1901 am. 1925 P.L. 159 further am. 1937 P.L. 599; 1925 P.L. 492 sec. 2 am. 1937 P.L. 599.

routes, and making contracts for transportation of children are functions shared by the local district authorities with the county board of school directors, an agency established in 1937.²¹⁶

In addition to elementary, secondary, and vocational schools operated by the school districts, there are numerous State-owned and State-aided schools for the teaching of the mentally and physically handicapped. The Pennsylvania Institution for the Instruction of the Blind, at Philadelphia, a private but State-aided institution, is maintained principally for the training of blind children, as is the Western Pennsylvania School for the Blind at Pittsburgh. The Pennsylvania State Oral School for the Deaf at Scranton and the Home for Training in Speech of Deaf Children at Philadelphia, both State-owned, are engaged in the instruction of deaf children. Other State-aided institutions are the Western Pennsylvania School for the Deaf at Pittsburgh, and the Pennsylvania School for the Deaf at Philadelphia.²¹⁷

The State is authorized not only to pay the expenses of blind and deaf children in elementary and secondary schools from a fund appropriated for this purpose, but also to pay for their expenses in institutions of higher learning.²¹⁸

Among the specialized institutions operated by the State are the Thaddeus Stevens Industrial School at Lancaster for indigent orphan boys between 16 and 18; the Pennsylvania State Oral School for the Deaf; the Pennsylvania Soldiers' Orphan School Home; and the Pennsylvania State Nautical School operating the schoolship Annapolis for the education of qualified Pennsylvania students in the science of seamanship, marine engineering, and navigation.²¹⁹

When the Free School Act of 1834 was passed, the majority of teachers had completed only the upper grades of common schools. At that time inspectors of school districts were empowered to adopt requirements for the certification of teachers. In 1857 the Normal School Bill was passed dividing the State into 12 districts, subsequently increased to 14, in which private normal schools might be established. In 1911 The State was authorized to purchase these institutions which, in 1926, were reorganized as State teachers colleges. The present standard for certification was adopted in 1937. Temporary certificates are granted to elementary teachers after 3 years of training, and provisional

216. 1901 P.L. 105 No. 77; 1911 P.L. 63; 1919 P.L. 498 secs. 1-4 am. 1923 P.L. 463 further am. 1925 P.L. 634; 1937 P.L. 605 sec. 5.

217. Pa. Dept. Pub. Instr., Schools in Pennsylvania, pp. 42, 43; Pennsylvania Department of Welfare, Handbook of State Institutions, pp. 17-19.

218. 1911 P.L. 309 sec. 1439; 1911 P.L. 309 sec. 1440 added 1917 P.L. 206 sec. 2 am. 1925 P.L. 74 sec. 1.

219. Pa. Dept. Pub. Instr., Biennial Report, pp. 247-252.

college certificates after 4 years of preparation. Teachers in the secondary schools must be graduates of an accredited 4-year institution, and possess provisional college certificates. The certification of teachers under the present school law is effected through the State Office of Teacher Education and Certification and in case of emergency by the county or district superintendents.²²⁰ The Placement Service of the State Office of Teacher Education and Certification assists local school districts in securing qualified teachers. Many districts, however, rely on commercial agencies for the list of teachers.²²¹

In all school districts of the third and fourth classes taxes are levied and assessed on property taxable for county purposes by the district school board.²²² In addition, there is a per capita tax ranging from \$1 to \$5, as the directors may determine, on every resident in the district over 21 years of age.²²³ Financially distressed districts may receive aid from the school fund. The State has always paid the minimum salary of the county superintendent and a specified percentage of the cost of transportation of children. It has provided subsidies, stimulated by Federal grants, for training of a specialized nature as has already been indicated.²²⁴

Public Health, Planning, and Recreation. The county commissioners have the implied power to appoint a county health board,²²⁵ but to date no such board exists in Adams County. There are no provisions for tuberculosis prevention in Adams County as yet, even though the county commissioners were authorized to construct a tuberculosis sanatorium in 1925.²²⁶

The maintenance and care of indigent insane including epileptics, inebriates, and mental defectives are the primary responsibility of the Commonwealth, although provision is also made for their support by their families and the county.²²⁷ An act of 1937 provides for payment by the county institution district for mental defectives and other public charges placed in institutions.²²⁸ By virtue of legislative authority the State is responsible for the maintenance and

220. Pa. Dept. Pub. Instr., Biennial Report, p. 17; Pa. Dept. Pub. Instr., Schools of Pennsylvania, pp. 32-36.

221. Pa. Dept. Pub. Instr., Biennial Report, p. 133.

222. 1911 P.L. 309 sec. 540 am. 1923 P.L. 102 sec. 1.

223. 1911 P.L. 309 sec. 542 am. 1919 P.L. 997 sec. 1 further am. 1921 P.L. 508 sec. 4.

224. Pa. Dept. Pub. Instr., Schools in Pennsylvania, pp. 72-75.

225. 1929 P.L. 1278 sec. 447.

226. 1925 P.L. 65.

227. 1923 P.L. 998 secs. 311, 312, 315, 316 am. 1937 P.L. 973 further am. 1938 (Sp. Sess.) P.L. 63 sec. 1; 1923 P.L. 998 secs. 313, 314.

228. 1937 P.L. 2017 sec. 401(e).

care of crippled children. Between 1923 and 1938 this responsibility was shared by the State and county, the former paying for their support, the latter paying for their clothing.²²⁹

In addition to the above services, city, borough, and first-class township health officers or boards under the general supervision of the State Department of Health, established in 1905, are active in the prevention of contagious diseases and in enforcing local health mandates. The county medical inspector, appointed and paid by the State Department of Health, corrects oversights of local health authorities in the control of contagious diseases, and is active in conducting medical inspection in rural schools.²³⁰ In 1939 the duties of the county medical inspector were extended when he was required to investigate and provide for the care of children reported born with inflammation of the eyes, and to make reports containing details of such cases to the State Department of Health.²³¹ In all school districts containing a population of 5,000 or more, annual medical inspection is conducted according to standards prescribed by the Commissioner of Health.²³²

The county commissioners may also construct hospitals for contagious diseases²³³ and hospitals for women suffering from nervous diseases;²³⁴ but to date such institutions do not exist in Adams County. The county commissioners may appropriate money to promote health activities;²³⁵ to control animal and plant diseases in cooperation with the State Department of Agriculture;²³⁶ and to support any hospitals within the county's limits and those outside of the county giving aid to persons in the county.²³⁷ They are likewise authorized to appoint a county planning commission which may make recommendations for the location of public buildings, streets, railways, playgrounds, and for the use of land in the future.²³⁸ As yet a planning board has not been appointed in Adams County. The commissioners are further authorized to appropriate money for the upkeep of recreation centers.²³⁹

229. 1923 P.L. 677 No. 276 sec. 1; 1923 P.L. 998 secs. 311, 312, 315, 316 am. 1937 P.L. 973 further am. 1938 (Sp. Sess.) P.L. 63 sec. 1; 1923 P.L. 998 secs. 313, 314.

230. Neva R. Deardorff, Child Welfare Conditions and Resources in Seven Pennsylvania Counties, p. 47.

231. 1913 P.L. 443 secs. 2-4, 6 am. 1939 P.L. 363.

232. 1911 P.L. 409 sec. 1501 am. 1919 P.L. 572 sec. 1 and 1919 P.L. 997 sec. 2 further am. 1921 P.L. 939 No. 329 sec. 1.

233. 1929 P.L. 1278 sec. 617.

234. 1929 P.L. 38 secs. 1-4.

235. 1929 P.L. 1278 sec. 447.

236. Ibid., sec. 446; 1935 P.L. 226 sec. 1.

237. 1929 P.L. 1278 sec. 441 am. 1931 P.L. 401 sec. 1.

238. 1929 P.L. 1278 secs. 501, 506 am. 1937 P.L. 2124 sec. 1.

239. 1919 P.L. 784 No. 322 secs. 1, 2 am. 1921 P.L. 484 secs. 1, 2 further am. 1927 P.L. 56 secs. 1, 2; 1929 P.L. 1278 secs. 650, 651.

Vital Statistics. From 1852 until 1855 it was the duty of the register of wills to keep separate books and indexes for recording marriages, births, and deaths occurring within the county. In 1885 this responsibility was transferred to the State Board of Health which was authorized to receive communications of vital statistics from local health officers.²⁴⁰ In 1905 the State Board of Health and Vital Statistics was required to have charge of the registration of births and deaths only.²⁴¹ In the same act a Central Bureau of Vital Statistics was to be set up under the direction of the State Registrar of Vital Statistics who was appointed by the board.²⁴² The State was to be divided into districts, each city, borough, and township being a primary district; and the board was to appoint a local registrar for each district.²⁴³

However, another act passed in the same year provided that the State Board of Health should be replaced by a Department of Health consisting of an advisory board and a Commissioner of Health²⁴⁴ who was to have general supervision over the registration of births, deaths, marriages, diseases, practitioners of medicine and surgery, midwives, nurses, undertakers, and veterinarians.²⁴⁵ The commissioner was to see that these were registered with the Bureau of Vital Statistics.²⁴⁶ He was empowered to divide the State into 10 districts and appoint a health officer for each one.²⁴⁷

The passage of the act of 1915 and the more recent changes made in State administration have greatly affected the technique of compilation of vital statistics throughout the State. The Commissioner of Health has been replaced by a Secretary of Health, and the Bureau of Vital Statistics has been legally abolished.²⁴⁸ To effect proper control over the registration of births, deaths, marriages, and cases of communicable diseases, the acts of 1915 and 1921 declared that each city, borough, and township shall constitute a primary registration district, but two or more primary registration districts may be united into one registration district.²⁴⁹

The local registrar is required to issue burial permits to undertakers after a certificate of death has been filed

240. 1852 P.L. 2 sec. 1 rep. 1855 P.L. 4; 1885 P.L. 56 secs. 1, 8.

241. 1905 P.L. 330 sec. 1.

242. Ibid., sec. 2.

243. Ibid., secs. 3, 4.

244. 1905 P.L. 312 sec. 1.

245. Ibid., sec. 10.

246. Ibid.

247. Ibid., sec. 11.

248. 1915 P.L. 900; 1923 P.L. 498 sec. 2; 1927 P.L. 207 sec. 2.

249. 1915 P.L. 90 secs. 3, 4; 1915 P.L. 900 sec. 2 am. 1921 P.L. 181 sec. 1.

with him; to register births, stillbirths, and deaths as certified by attending physicians; to notify local health officers of deaths occurring without medical attendance as reported by undertakers; to refer the case to the coroner for his investigation and certification where there are suspicious circumstances; and to keep a register of physicians, midwives, and undertakers.²⁵⁰ He is further required to submit a weekly report to the county registration commission of the deaths of residents in his district.²⁵¹ All blanks and forms are supplied by the State Registrar of Vital Statistics; the United States Bureau of the Census supplies envelopes bearing the franking privilege.²⁵²

The local registrar is required to make a duplicate of each birth and death certificate registered by him which must be preserved in his office as a local record. Once a month he must send all original certificates registered by him during the preceding month to the State Registrar of Vital Statistics.²⁵³ Each local registrar is entitled to receive a fee of 50 cents for every certificate registered with him, and this is paid by the county treasurer after proper certification is made by the State Registrar.²⁵⁴ Certified copies of birth, death, and marriage certificates dating from January 1, 1906 are available at the Bureau of Vital Statistics in Harrisburg. A fee of 50 cents is charged for each search, and a fee of \$1 for each issuance of a certified copy. These fees are remitted to the State Department of Revenue and in turn to the State Treasury.²⁵⁵

Public Welfare. Until 1809 ordinary poor relief was administered in townships and boroughs by local overseers appointed by the justices of the peace; after that date the overseers were elected.²⁵⁶ Under the provisions of numerous acts, no longer in effect, two methods of poor relief were provided for the care of all classes of indigents. In the first place, outdoor relief could have been authorized by township overseers in the form of orders for food, rent, clothing, and fuel; in the second place, indigents, including children, could have been indentured by contract.²⁵⁷ This procedure prevailed until 1817 when institutional care of indoor relief was provided for as a supplement to the outdoor and contract methods. At this time relief adminis-

250. 1915 P.L. 900 secs. 5-9, 12, 16.

251. 1935 P.L. 478 No. 195 sec. 26; 1937 P.L. 487 sec. 29(a); 1937 P.L. 849 sec. 30(a).

252. Pennsylvania Department of Health, Pennsylvania Department of Health; Organization and Functions, p. 22, hereinafter cited as Pa. Dept. Health, Pennsylvania Department of Health.

253. 1915 P.L. 900 sec. 19.

254. Ibid., sec. 20 am. 1921 P.L. 181 sec. 3 further am. 1927 P.L. 857 No. 434.

255. Pa. Dept. Health, Pennsylvania Department of Health, p. 22.

256. 1809, 5 Sm.L. 18.

257. 1705, II St. at L. 251 secs. 1, 2, 6.

tration in Adams County was based on the county-district system. Control was vested in an elective board composed of three poor directors who as a corporate body of a poor district, with boundaries coterminous with the county, were made the sole administrative authority of the poor district almshouse which is located in Cumberland Township.²⁵⁸ County autonomy over poor relief was established by the act of 1937 at which time general control over this function was lodged in the newly created county institution district board composed of the county commissioners ex officio, who replaced the former poor authorities.²⁵⁹

A second line of development occurred in 1913 when categorical relief was provided for special groups, providing counties agreed to participate in State programs. This was first granted in the form of mothers' assistance, in which program the commissioners of Adams County agreed to participate in 1914, whereupon the Governor appointed a mothers' assistance board to administer the funds.²⁶⁰ In 1934 the scope of categorical relief was extended to include old age²⁶¹ and blind assistance,²⁶² when the State enacted appropriate legislation in order to benefit by the grant-in-aid provisions of the Federal Social Security Act. In 1937 the mothers' assistance board was replaced by a new agency, the county board of public assistance, designated by the Governor and functioning as a subsidiary organ of the State Department of Public Assistance. In this board today is centralized the administration of old age, blind, and mothers' assistance fund work, previously performed by the mothers' assistance board; and unemployment and outdoor relief, formerly exercised by the board of poor directors.²⁶³

A service made possible through the welfare provisions of the Social Security Act is the extension unit for child welfare service in areas predominantly rural. This service is usually operated as a unit of the Pennsylvania State Department of Welfare which is active in developing a program of social service for children needing institutional care or boarding in private homes, but Adams County does not yet have such a unit.

Another form of public relief is veterans' relief which, in Pennsylvania, is handled by the State Veterans' Commission in the Department of Military Affairs. This Commission

258. 1817 P.L. 196.

259. 1937 P.L. 2017.

260. 1913 P.L. 118 am. 1915 P.L. 1038 rep. 1919 P.L. 893 sec. 19 but reen. in secs. 1-18; 1919 P.L. 907; Minute Book of Commissioners, 1920, p. 150, see entry 1.

261. 1933-34 (Sp. Sess.) P.L. 282 rep. 1936 (Sp. Sess.) P.L. 28 sec. 25 but reen. in sec. 1.

262. 1933-34 (Sp. Sess.) P.L. 246 rep. 1935 P.L. 621 sec. 16 but reen. in sec. 1.

263. 1937 P.L. 2051.

originated in 1929²⁶⁴ and operates through local veterans' organizations in disbursing State funds. Special State pension funds for disabled Revolutionary War veterans and their widows were provided for as early as 1813, and payments made by the county treasurer from State funds in his hands were authorized in 1834. These provisions were extended to include Civil War veterans in 1865.²⁶⁵

The administration of State institutional relief is handled by the Pennsylvania State Department of Welfare. Furthermore, State administrative control over county institutions is centered in this Department. It supervises the Adams County almshouse. The transportation and maintenance of insane persons, indigents, and juveniles of the dependent and delinquent classes committed by the court are the responsibility of the county institution district.²⁶⁶ On the other hand, children between the ages of 6 and 21, sent to State schools for the deaf and blind, are the joint responsibility of the school district of which the child is a resident, and of the Commonwealth. The school district must pay 25 percent of the cost of tuition and maintenance while the State must contribute 75 percent.²⁶⁷

Public Works. Since 1771 the construction of public roads and bridges has been primarily a township function,²⁶⁸ and although in recent years local authority has been supplemented by county and State aid, municipal authorities may levy an annual road tax and may divide the township into appropriate road districts. County aid, however, has been authorized for the construction and improvement of State, State-aided, and other highways; for land damages to owners of private property confiscated in the construction, widening, and changing of grades for State and State-aided highways; for the construction, repair, and maintenance of bridges and causeways and embankments for bridges; and for sidewalk construction.²⁶⁹

Legislation authorizing county aid to the municipalities in building roads and bridges existed prior to 1900, but present procedures are defined by the act of 1919 and the county code adopted in 1929, which revises, amends, and consolidates earlier legislation and subsequent acts. The act

264. 1929 P.L. 177 sec. 203 am. 1931 P.L. 350 sec. 1; 1929 P.L. 177 secs. 1403-1411.

265. 1813, 6 Sm.L. 27 sec. 1; 1834 P.L. 290 sec. 1; 1865 P.L. 52 No. 37.

266. Pa. Econ. League, The County Institution District, p. 7.

267. 1911 P.L. 309 sec. 1413 am. 1919 P.L. 1090 further am. 1925 P.L. 70.

268. 1771-72, VIII St. at L. 185.

269. Pennsylvania Local Government Commission, Pennsylvania State-Local Relations in Roads, Tax Abatement, and Gasoline Tax Distribution, pp. 73, 74, hereinafter cited as Pa. Loc. Gov. Comm., Pennsylvania State-Local Relations.

of 1919 authorized the county to expend money and incur indebtedness to pay for the improvement of any State highway, State-aided highway, or any other highway located within the township, upon petition of the township officials to the county commissioners. The provisions of this act were extended to include boroughs in 1921 and cities in 1929.²⁷⁰ In 1935 the county commissioners were again authorized to make appropriations for the improvement of State highways, provided that the State Highway Department approved the project.²⁷¹ County aid in the payment of land damages for State highway purposes was extended to boroughs in 1929 as it had formerly been extended to townships, but the county commissioners were required first to enter into an agreement with property owners as to the amount of damages to be paid before the State Highway Department could proceed with the work.²⁷²

The county commissioners may enter into contracts with local corporate authorities to improve certain municipal streets. The county may agree to pay the total cost or the cost may, on agreement, be divided between the county and the municipality.²⁷³ Under other conditions the county may agree to aid municipalities, and special provisions require the sharing of the cost of construction.²⁷⁴

The board of county commissioners may adopt a system of highways based on population needs for the county, and may, with the approval of the grand jury and the court of quarter sessions, take over exclusive control of any public road. Furthermore, they may open new highways, but these must be maintained by local authorities.²⁷⁵ The county may authorize the construction of guard rails where a township road borders the edge of a precipice if the expense is too great for the township to bear,²⁷⁶ and may condemn land and widen sidewalks where replacement is necessary owing to State highway construction.²⁷⁷

The county is given similar optional authority to aid municipalities in building new bridges or in improving old ones over waterways or railroads, in which case a petition of municipal authorities or citizens must be submitted to the court of quarter sessions. If, on the basis of a report of the board of viewers, the court, grand jury, and county commissioners consider the bridge to be necessary, the

270. 1917 P.L. 10 rep. 1919 P.L. 450 sec. 2; 1919 P.L. 450 sec. 1 am. 1921 P.L. 26 further am. 1929 P.L. 1651.

271. 1935 P.L. 803 sec. 1.

272. 1929 P.L. 1596.

273. 1929 P.L. 1278 secs. 951-955.

274. Ibid., secs. 959-963, 965.

275. Ibid., secs. 891, 892.

276. Ibid., sec. 964.

277. 1919 P.L. 450 sec. 1 am. 1929 P.L. 1651 sec. 1 further am. 1935 P.L. 803 sec. 1.

bridge may, at the discretion of the county commissioners, be entered as a county bridge.²⁷⁸ Similarly, the county commissioners may authorize the building of causeways and embankments, and may enter them as county improvements.²⁷⁹ Bridges built by boroughs or townships may be given to the county free of charge, in which case the county commissioners must thereafter maintain and keep them in repair.²⁸⁰ In 1929 the General Assembly made it easier for the county to aid in the construction of bridges by enabling the commissioners to authorize funds for the building of bridges upon the approval of the grand jury, the court of quarter sessions, and the viewers.²⁸¹ In 1935 this act was amended to allow the approval of the Secretary of Highways in lieu of all other approval, provided the amount paid by the county did not exceed \$1,500.²⁸²

A comparatively recent innovation is the gasoline tax program initiated in 1921 and designed to aid the counties in building and maintaining roads and bridges. The State makes semiannual payments to the county of a certain percentage of this tax which the county, in turn, may apportion to the municipalities.²⁸³

Since there is no county engineer in Adams County the commissioners must appoint engineers to prepare plans, specifications, and estimates in county construction work. Viewers to determine the necessity for building public works and for estimating damages to property have from the earliest times been appointed by the court of quarter sessions.²⁸⁴

It is the duty of the county commissioners to build and maintain necessary public buildings and, with the approval of the grand jury and the court of quarter sessions, to alter or enlarge them. The title to all courthouses and prisons together with all other real property owned or acquired by the county is vested in the county.²⁸⁵ Specifications for erecting a proposed county building, such as detention homes for women, must first be approved by the State Department of Welfare;²⁸⁶ and plans for building county hospitals for women suffering from nervous diseases by the State Department of Health.²⁸⁷

The State Board of Education is charged with approving

278. 1929 P.L. 1278 secs. 751, 755, 757.

279. Ibid., sec. 754.

280. Ibid., sec. 758.

281. Ibid., sec. 755.

282. 1935 P.L. 1037 sec. 1.

283. Pa. Loc. Gov. Comm., Pennsylvania State-Local Relations, p. 62.

284. 1700, 1 Dall. 16 sec. 2; 1911 P.L. 1123 sec. 1 am. 1929 P.L. 867.

285. 1929 P.L. 1278 secs. 551, 552.

286. 1927 P.L. 24 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 635.

287. 1929 P.L. 38 sec. 3.

plans and specifications submitted by local boards for the construction of school buildings. If the proposed building is not to have more than four classrooms, plans must be furnished without additional charge to local boards on request.²⁸⁸ It is the duty of the county superintendent of schools or of one of his assistants to inspect all school grounds and buildings under his jurisdiction²⁸⁹ and of the county medical inspector to examine annually sanitary conditions of all school buildings and grounds as regulations of the State Department of Health or the rules of the local board of health or board of school directors may require.²⁹⁰

With the approval of the grand jury and the court of quarter sessions, the county commissioners were authorized to construct and maintain sewers and sewage disposal plants in 1915. If the permission of the courts of quarter sessions is granted, several counties may form sewage districts but must respect the topography of the counties and the course of natural drainage.²⁹¹ The county commissioners may also appropriate funds for flood control.²⁹²

Agriculture. The Adams County Extension Association was created in 1919 in pursuance of the Federal Smith-Lever Act which provided for agricultural extension work.²⁹³ The responsibility for the administration of funds for this purpose is vested in agricultural colleges in cooperation with the United States Department of Agriculture. In addition to the direct appropriation, the State or county may by matching funds avail itself of an additional appropriation.²⁹⁴ The Pennsylvania General Assembly agreed in 1913 to accept the Federal legislation and authorized the county commissioners to appropriate a sum not exceeding \$1,500 annually for agricultural work. In 1931 this sum was increased to \$5,000.²⁹⁵ At present Adams County contributes \$1,500 annually for the execution of this work.

The commissioners may also provide offices for the association,²⁹⁶ which, in Adams County, are located on the first floor of the courthouse. The chief administrative officer is the county farm agent, an employee of Pennsylvania State College. The work of the association is primarily educational, and its object is to instruct farmers and others regarding the best practices in agriculture. This is ac-

288. 1911 P.L. 309 sec. 615; 1911 P.L. 309 sec. 616 am. 1931 P.L. 243 sec. 15.

289. 1911 P.L. 309 sec. 1124.

290. *Ibid.*, sec. 1506.

291. 1915 P.L. 852 sec. 1; 1929 P.L. 1278 secs. 1001, 1002.

292. 1911 P.L. 260 secs. 1, 2; 1929 P.L. 1278 sec. 461.

293. 1914, 38 U. S. Stat. 372 sec. 1 ch. 79.

294. *Ibid.*

295. 1913 P.L. 204 sec. 1 am. 1919 P.L. 90 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 444 am. 1931 P.L. 401 sec. 1.

296. 1929 P.L. 1278 sec. 444 am. 1931 P.L. 401 sec. 1.

complished through demonstration meetings, farm and home visits, and the issuance of pamphlets.

Records System. Since 1790 miscellaneous legislation has been enacted relating to the supervision and keeping of public records. In that year the county commissioners, with the approbation of the court of quarter sessions and of the grand jury, were directed to erect a building of brick or stone for holding courts and for the safekeeping of records of the prothonotary, clerk of the court of quarter sessions, register of wills, clerk of orphans' court, and recorder of deeds.²⁹⁷ In 1827 the judges of the court of common pleas were given the authority to supervise the records kept by these clerical officers. The judges may direct the preparation of indexes of all matters contained within their books and may order the rebinding of those books and the records which require it. Once a year these officers are required to submit their books of records to the judges for inspection.²⁹⁸

The judges' direction over dockets, records, and indexes was extended in 1839 when they were required to ascertain whether the records, books, indexes, and files of all court clerks were kept as the law contemplated; and if neglect was apparent, to direct the correction of any deficiency.²⁹⁹ Again in 1891 they were empowered to alter the mode of preparing the indexes,³⁰⁰ and to direct the preparation of new indexes.³⁰¹ Whenever a transcription is made by order of the court, the proper officer must certify that it is the true copy of the original record.³⁰²

The books required of the clerical officers and all other officials in Adams County must be supplied by the commissioners at the cost of the county.³⁰³ In 1937 county officials were authorized to record any document by photostatic, photographic, or other mechanical device.³⁰⁴

The laws of Pennsylvania do not specify that any particular accounting system be adopted in the keeping of county financial records. In 1935, however, the Department of Internal Affairs of the Commonwealth was given power to prescribe uniform budget and annual report forms for counties.³⁰⁵

There are certain general statutory provisions concern-

297. 1790, 2 Dall. 778.

298. 1827 P.L. 154 sec. 4.

299. 1839 P.L. 676 sec. 1 Res. 8.

300. 1891 P.L. 129 sec. 1.

301. *Ibid.*, sec. 2.

302. 1827 P.L. 154 secs. 1, 2; 1879 P.L. 136 No. 139.

303. 1929 P.L. 1278 sec. 57.

304. 1937 P.L. 739 No. 199 sec. 1.

305. 1929 P.L. 1278 sec. 370.1 added 1935 P.L. 1184 sec. 3.

ing county records. Whenever a county has been divided and from it a new county formed, mortgages, judgments, verdicts, orders, and all records affecting lands in the new county but made in the original county may be copied and certified by the register of wills and recorder of deeds, the prothonotary, the clerk of the court of quarter sessions and oyer and terminer, or other officers, and entered by the same officer in the new county as part of the records of his office.³⁰⁶ All newly elected county officials are required to receive records and documents belonging to their office from their predecessors. Any officer refusing to surrender these records and documents is guilty of a misdemeanor, and is required to pay a fine of \$100 or to undergo imprisonment.³⁰⁷ The county commissioners, treasurer, sheriff, register of wills, recorder of deeds, prothonotary, clerk of the court of quarter sessions and oyer and terminer, clerk of the orphans' court, and the district attorney are required to keep public records at the county seat, under a penalty of \$500.³⁰⁸ The minute books and other fiscal records and documents are open to the inspection of every taxpayer. In case any county officer should refuse to allow inspection, the taxpayer may, upon court order, be permitted to examine the records.³⁰⁹

306. 1901 P.L. 138 sec. 1.

307. 1804 P.L. 488 secs. 1-3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 58.

308. 1834 P.L. 537 sec. 12 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 56.

309. 1929 P.L. 1278 sec. 111 added 1935 P.L. 730 sec. 1.

III. HOUSING, CARE, AND ACCESSIBILITY OF RECORDS

The present courthouse of Adams County, situated on West Middle and Baltimore Streets in the city of Gettysburg, was contracted for February 22, 1858 and completed in the following year.¹ The cost of the building was less than \$20,000.² It is a 2-story, brick structure, substantially built, with stone foundations 20 inches thick, and has a steeple containing a bell and clock. In 1873 and 1876 minor alterations were made in the courthouse, particularly in the commissioners' office and the courtroom.³ Additions to the courthouse were contracted for in June 1906,⁴ and in 1940 new vaults were constructed in the basement.⁵ These vaults allowed the county officials more space in their first floor offices, since accumulations of records could now be placed in the basement.

Lighting, temperature, and ventilation are good throughout the building. Basement vaults are fireproof and the first floor vaults are partially so. Facilities for the convenience of persons using the county records are limited.

Board of County Commissioners. The main office of the board is located in the rear of the first floor. This room, shared with treasurer, houses less than 1 percent of the board's records. The adjoining vault contains 83 percent. The commissioners' clerk's office also connected with the main office, contains less than 1 percent of the records. Basement vaults A, B, and C house 1 percent, 9 percent, and 6 percent of the records respectively.

Recorder of Deeds. The office and office vault of the recorder are located on the first floor. Ninety-nine percent of his records are in his office vault; 1 percent is in the basement vault A.

Prothonotary. About 1 percent of the prothonotary's records are located in his office on the first floor. The vault adjoining the office houses 65 percent; 33 percent are found in the basement vault A; and about 1 percent in the basement vault B and in the office of the clerk of courts.

Clerk of the Court of Quarter Sessions and Oyer and Terminer. Eighty percent of the clerk's records are housed in the vault adjoining his office on the first floor; his

1. Minute Book of Commissioners (1849-63), p. 49, see entry 1.
2. Ibid., pp. 45-64.
3. Minute Book of Commissioners (1863-78), p. 116; Gettysburg Star and Sentinel, March 23, 1876.
4. Minute Book of Commissioners (1906-15), pp. 23, 24.
5. Minute Book of Commissioners (1940-41), p. 22.

office contains 1 percent. Seventeen percent of his records are in the recorder's office, and 2 percent in basement vault A.

Register of Wills. This official who is also the recorder of deeds houses 92 percent of his records in his vault. Seven percent are located in the basement vault A, and 1 percent is found in the office of the clerk of courts.

Clerk of Orphans' Court. This official is also the clerk of the court of quarter sessions and oyer and terminer. His office vault houses 93 percent of his records. Three percent are located in the register's office vault and 4 percent are housed in the basement vault A.

Sheriff. Thirty-three percent of the sheriff's records are located in his office at the county jail; 67 percent are found in vault A in the courthouse basement.

Jail Warden. The sheriff serves in this capacity. Eighty-three percent of the jail warden's records are located in his office in the county jail on East High Street, Gettysburg. Seventeen percent is housed in vault A in the basement of the courthouse.

Coroner. All the records of the coroner are located in his private office at 256 Baltimore Street, Gettysburg.

Jury Commissioners. All the records of these commissioners are to be found in the office vault of the county commissioners.

Probation and Parole. All of the records of this office are in its room on the first floor of the courthouse.

Treasurer. The treasurer who shares the commissioners' office keeps 10 percent of his records there; 44 percent in the vault adjoining that office; and 46 percent in basement vault B.

Board of Revision. All the records of this board are located in the county commissioners' office vault.

Auditors. All the records of the auditors are to be found in the office vault of the commissioners.

Registration Commission. Twenty-three percent and 2 percent of the commission's records are housed in the county commissioners' vault and office respectively; 30 percent are located in basement vault C and 45 percent in basement vault B.

Board of Election. This board has no separate office. Twelve percent of its records are found in the commissioners' office; 80 percent in basement vault C; 4 percent in the prothonotary's office; 2 percent in the office of the

clerk of courts; 1 percent in the prothonotary's vault; and 1 percent in the commissioners' vault and the basement vault B.

Superintendent of Schools. Seventy-two percent of the superintendent's records are located in his office on the first floor of the courthouse. Basement vaults B and C each contain 14 percent of his records.

Institution District Board. The board's office in the almshouse, located in Cumberland Township, houses 45 percent of its records and 11 percent are in the storeroom of the same building. The commissioners' office and office vault, in the courthouse, contain 11 percent and 28 percent respectively. Five percent are located in basement vault B.

Surveyor. The surveyor has an office on Baltimore Street, Gettysburg, but all his records are located in the courthouse. Eighty-six percent are found in the prothonotary's vault and 14 percent are housed in basement vault A.

IV. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	alphabetical(ly)
am.	amended
arr.	arranged
art.	article
aver.	average
bdl.	bundle(s)
bsmt.	basement
cab.	cabinet
ch.	chapter
chrón.	chronological(ly)
clk.	clerk
Comm.	Commonwealth
comm(s).	commissioner(s)
comp(s).	compiler(s)
Const.	Constitution
ct(s).	court(s)
cth.	courthouse
ctn(s).	carton(s)
Dall.	Dallas, <u>Laws of Pennsylvania, 1700-1801</u>
Dist.	<u>Pennsylvania District Reports, 1893-1921</u>
et al.	et <u>alii</u> , et <u>alias</u> (and others)
f.b.	file box(es)
f.d.	file drawer
fm.	form(s)
hdw.	handwritten
ibid.	ibidem (in the same place)
Leg. Rec.	<u>Legal Record Reports, 1882-83</u>
no(s).	number(s)
numer.	numerical(ly)
off.	office
op. cit.	<u>opere citato</u> (in the work cited)
p(p).	page(s)
Pa. C.C.	Pennsylvania County Court Reports, <u>1886-1921</u> .
Pa. Att. Gen.	Pennsylvania Attorney General
Pa. Dept. Health.	Pennsylvania Department of Health
Pa. Dept. Int. Aff.	Pennsylvania Department of Internal Affairs
Pa. Dept. Pub. Instr.	Pennsylvania Department of Public Instruction
Pa. Dept. Welfare	Pennsylvania Department of Welfare
Pa. Econ. Council	Pennsylvania Economic Council
Pa. Econ. League	Pennsylvania Economy League
Pa. Local Gov. Comm.	Pennsylvania Local Government Commission
par.	paragraph(s)
Phila.	<u>Philadelphia Reports, 1872-93</u>
proth.	prothonotary
ptd.	printed
reen.	reenacted

rep.	repealed
sec(s).	section(s)
Sm.L.	Smith's Laws (<u>Laws of the Commonwealth of Pennsylvania, 1700-1829</u>)
Sp. Sess.	Special Session
St. at L.	<u>Pennsylvania Statutes at Large</u>
sup.	supplied
supp.	supplemented
twp(s).	township(s)
U. S.	United States
U. S. Stat.	<u>United States Statutes at Large</u>
vlt.	vault
vol(s).	volume(s)
v.	versus
x	by (in dimensions)
--	to date and continuing

Explanatory Notes

The titles of records are shown in the inventory proper exactly as they are indicated on volumes and file boxes. Where the title of a record series has varied, the current or most recent title has been used as the title of the entry, and variant titles have been indicated. Explanatory additions to inadequate titles and corrections of erroneous titles are enclosed in parentheses and have initial capitals. In the absence of titles, assigned titles written in upper case and enclosed in parentheses, are used.

First and last dates covered by a particular record are shown in the title line of the entry. Records kept continuously are shown by a hyphen between the beginning and closing dates, as 1850-59. Missing records or lapses in records are indicated by a comma between the groups of inclusive dates, as 1850-56, 1889-92. Current dates are indicated by two hyphens, thus, 1920--.

Letters or numbers in parentheses indicate the exact labeling on volumes or file boxes; the labeling follows directly after the quantity to which it applies. If the volumes or file boxes are unlabeled, no labeling is indicated.

Title line cross references are used to complete series for records kept separately for a period of time and in other records for different periods of time, as in entry 16, "1800-1887, 1919-- in Bills, entry 15." They are also used in all artificial entries - entries for records which must be shown separately under their proper office or section heading even though they are records appearing elsewhere in the inventory, as in entry 182, "In (Register of Children Born of Negro Slaves), entry 171." In both instances the description of the master entry shows the title and entry number of the record from which the cross reference is made, as in entry 15, "Also contains: Orders, 1800-1887, 1919--, entry 16." Dates shown in the description of the master

entry are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

Separate third-paragraph cross references from entry to entry, and "see also" references under subject headings and subheadings are used to show prior, subsequent, or related records which are not part of the same series.

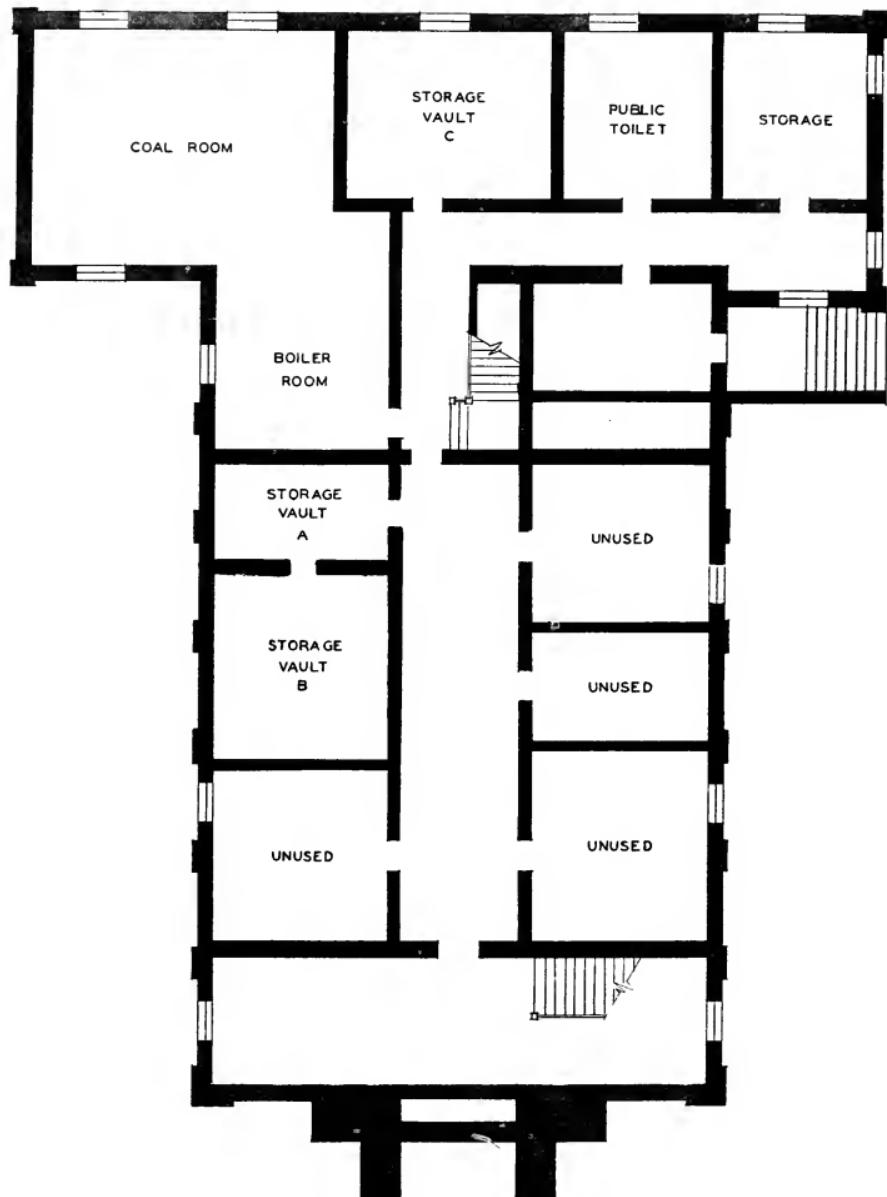
If a separate index serves but one record it follows immediately after that entry; if it serves more than one, grouped together, it precedes the group; if it serves a widely separated group then it precedes the most appropriate record entry of the group. A cross reference is always made from an index entry to entries covering records which the index serves. Self contained indexes are explained in the record entries containing them.

Since measurements are always given in inches, the symbol ("") has been omitted. The dimensions for volumes and bundles are always given in the sequence of height, width, and thickness; for file boxes and other containers, the sequence is height, width, and depth.

In the footnote references to the Constitution of Pennsylvania the dates are specified for the constitutions of 1776, 1790, and 1838; if no date is given the reference is to the Constitution of 1874.

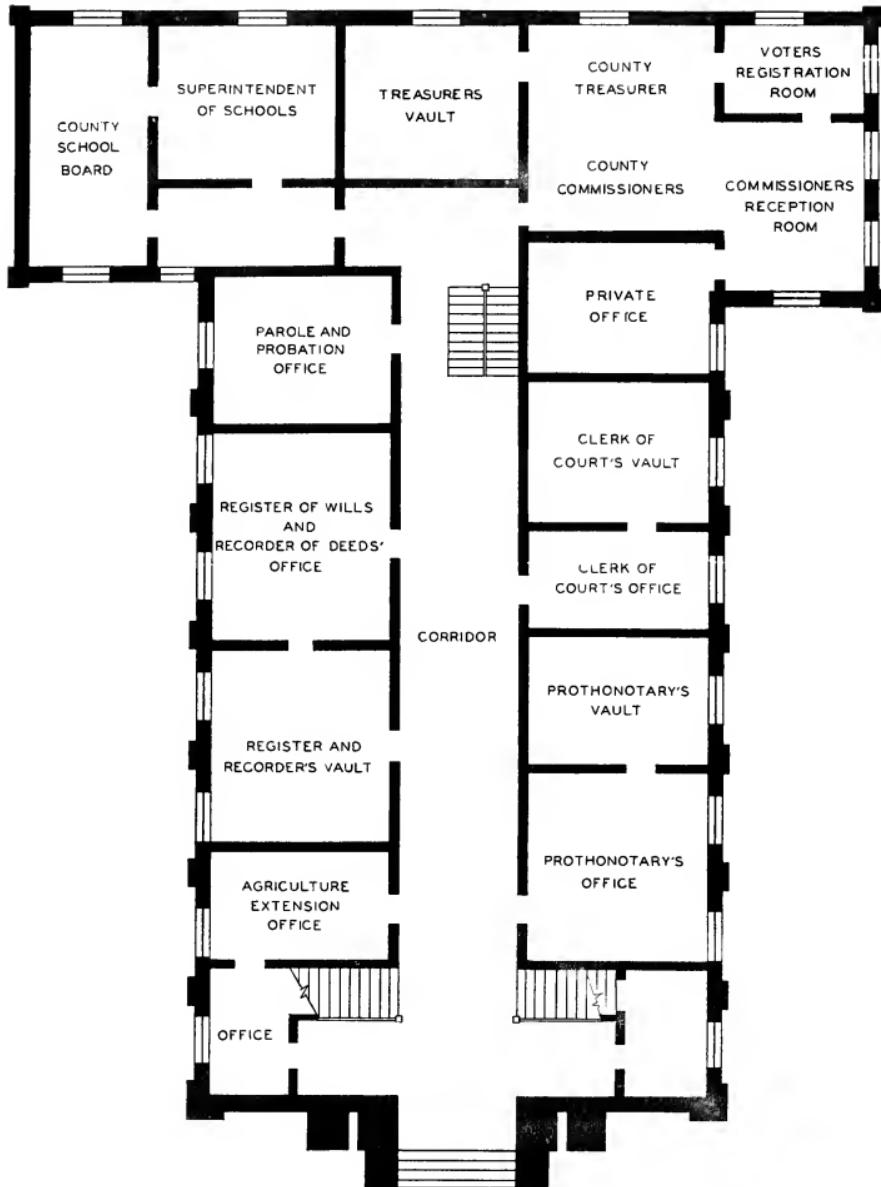
All records found by the Survey are listed. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no information could be obtained.

Records are assumed to be in good condition unless otherwise indicated. The locations given for the records are the locations at the time the survey was made. These are, of course, subject to change.



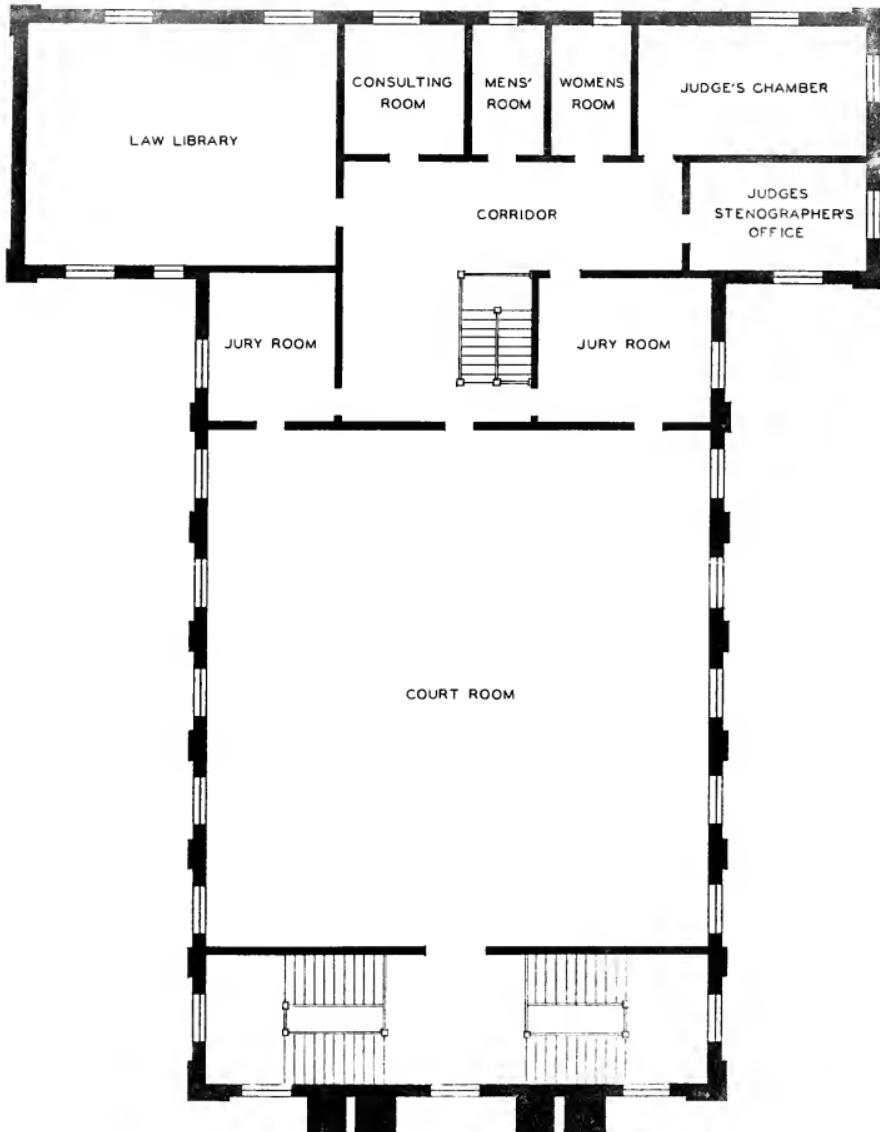
ADAMS COUNTY COURTHOUSE
BASEMENT PLAN

SCALE
0 5 10 15



ADAMS COUNTY COURTHOUSE
FIRST FLOOR PLAN

SCALE
0 5 10 15



ADAMS COUNTY COURTHOUSE
SECOND FLOOR PLAN

SCALE
0 5 10 15

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COUNTY COMMISSIONERS

Evolution and Structural Organization

The system of government set up by William Penn and the earliest legislative bodies of the Province of Pennsylvania vested most of the governmental powers of the individual counties in the "county courts." These courts, the members of which were appointed by the Provincial Council,¹ tried all civil cases and all but the more serious criminal cases.² In addition to its judicial duties, the county court performed many executive and administrative functions. It levied the county taxes,³ supervised the erection of county buildings⁴ and the laying out of roads,⁵ took care of the poor of the county,⁶ and paid bounties for the destruction of wolves.⁷

In 1711 the office of county commissioner was created to take over from the court some of the duties connected with the assessing and levying of taxes. The General Assembly appointed three commissioners in each county to serve until the next session.⁸ Between that time and 1722, appointed county commissioners were always provided for by statute, although the number in each county varied between three and five, with Philadelphia sometimes having more commissioners than Bucks and Chester, the only other counties in existence at that time.⁹ The law of 1722 and the one replacing it 2 years later made the office of county commissioner permanent and elective with a 3-year term. Since that time boards of county commissioners have had three mem-

1. The Frame of the Government (1682) in Charter to William Penn, and Laws of the Province of Pennsylvania, Passed Between the Years 1682 and 1700, Preceded by the Duke of York's Laws in Force From the Year 1676 to the Year 1682, p. 95 sec. 5, hereinafter cited as Charter to William Penn.

2. Laws of the Assembly (1683) in Charter to William Penn, ch. LXX, p. 129; ch. LXXVI, LXXVII, p. 131; ch. LXXXII, p. 133.

3. Ibid., ch. CXXVII, pp. 146, 147.

4. Ibid., ch. CI.

5. Ibid., ch. LXXXIX.

6. The Body of Laws (1682) in Charter to William Penn, ch. XXXII, p. 115.

7. Laws of the Assembly (1683) in Charter to William Penn, ch. LXXXVI, p. 134; Laws of the Assembly (1690) in Charter to William Penn, ch. CXCIII, p. 183.

8. 1710-11, II St. at L. 369 sec. 1.

9. 1710-11, II St. at L. 369, 373; 1712-13, III St. at L. 3; 1715, III St. at L. 83; 1717, III St. at L. 128; 1717-18, III St. at L. 175.

bers.¹⁰ Their tenure was increased to 4 years by constitutional amendment in 1909.¹¹ From time to time the commissioners were given additional duties which originally belonged to the court, and they have received so many new responsibilities that the board of county commissioners now is the most important administrative body of the county. Although the office was mentioned in the Constitution of 1776¹² it did not acquire full constitutional status until 1874.¹³

The law erecting Adams County in 1800 provided that the officers of York County were to continue to act for the new county until its own officers were chosen.¹⁴ The first county commissioners were to be elected in the next annual election, and were to have the same powers and duties as were given by law to the commissioners of existing counties.¹⁵

A county commissioner must have held American citizenship and residence in the county for at least a year before his election.¹⁶ Until 1874 the commissioners had overlapping terms of office, with one commissioner replaced each year.¹⁷ But now the entire board is elected every 4 years. Each elector votes for two candidates only,¹⁸ thus providing for representation of the minority party. County commissioners may be re-elected. When a vacancy occurs the court appoints a successor to serve out the balance of the original term. The appointee must have voted for the commissioner whose place he is taking.¹⁹ Before any county commissioner may assume office, he is obliged to take an oath,²⁰ which must be filed with the prothonotary.²¹ Each commissioner must post a bond of at least \$2,000, which is also kept by

10. 1722, III St. at L. 295 secs. 1-3; 1724-25, IV St. at L. 10 sec. 2.

11. Const., art. XIV, sec. 7 as am. 1909; 1929 P.L. 1278 sec. 101.

12. Const. 1776, ch. II, sec. 31.

13. Const., art. XIV, sec. 1.

14. 1800, XVI St. at L. 392 sec. 5.

15. *Ibid.*, secs. 5, 9.

16. Const., art. XIV. sec. 3.

17. 1722, III St. at L. 295 sec. 3; 1724, IV St. at L. 10 sec. 2; 1732, IV St. at L. 234 sec. 1; 1755, V St. at L. 201; Const. 1776, ch. II, sec. 31; 1799, 3 Sm.L. 393 sec. 2; 1834 P.L. 537 sec. 15.

18. Const., art. XIV, sec. 7 as am. 1909; 1929 P.L. 1278 sec. 101.

19. Const., art. XIV, sec. 7 as am. 1909; 1929 P.L. 1278 sec. 101.

See: A Digest of the Statute Law of the State of Pennsylvania for the Year 1911, p. 743; Purdon's Pennsylvania Statutes Annotated, Const., art. XIV, sec. 7; Purdon's Pennsylvania Statutes Annotated, title XVI, ch. I, sec. 101.

20. 1799, 3 Sm.L. 393 sec. 3 sup. 1834 P.L. 537 sec. 7 sup. Const., art. VII, sec. 1; 1929 P.L. 1278 sec. 53.

21. Between 1834 and 1874 this oath was filed with the clerk of the court of quarter sessions, 1834 P.L. 537 sec. 17 sup. Const., art. VII, sec. 1 and rep. 1929 P.L. 1278 sec. 1051.

the prothonotary.²² At first the commissioners were paid on a per diem basis for days actually spent in official business²³ but now the salary of a commissioner of a seventh-class county is fixed by law at \$1,000 and expenses.²⁴ Each county commissioner receives an additional \$800 a year as compensation for his work as a member of the county institution district board.²⁵

Functions and Records

The corporate power of the county is vested in the county commissioners,²⁶ any two of whom constitute a quorum.²⁷ They have custody of the county seal and affix it to all their official documents.²⁸ They may sue and be sued on behalf of the county.²⁹ The county commissioners hold title to all real estate vested in the county³⁰ and they may sell or release any of it on petition to the court of common pleas, which fixes a hearing date.³¹ In seventh-class counties the commissioners may sell any property given to the county and reinvest the proceeds without court approval.³² County commissioners may perform only those duties which are given to them by law.³³ In the performance of their duties they³⁴ and their clerk³⁵ may administer oaths.

Many of the powers and duties of the county commissioners are still connected with their original functions, aiding the assessors and levying and collecting taxes. Once a year they make an estimate of the probable expenditures of the county during the year to come, on the basis of which

22. 1878 P.L. 118 No. 149 rep. 1929 P.L. 1278 sec. 1051; 1929 P.L. 1278 sec. 54 am. 1933 P.L. 946 No. 182; 1929 P.L. 1278 sec. 102.

23. 1712-13, III St. at L. 3 sec. 8; 1724-25, IV St. at L. 10 sec. 12; 1799, 3 Sm.L. 393 sec. 22; 1834 P.L. 537 sec. 26 rep. 1929 P.L. 1278 sec. 1051; 1865 P.L. 133 No. 119; 1905 P.L. 167 sec. 2 rep. all inconsistent general and special laws.

24. 1917 P.L. 570 secs. 1, 2.

25. 1937 P.L. 2017 sec. 303.

26. 1834 P.L. 537 sec. 4 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 23.

27. 1710-11, II St. at L. 369 sec. 1; 1715, III St. at L. 83 sec. 2; 1717-18, III St. at L. 175 sec. 2; 1799, 3 Sm.L. 393 sec. 15; 1834 P.L. 537 sec. 19 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 105.

28. 1834 P.L. 537 sec. 8 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 24.

29. 1834 P.L. 537 sec. 8 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 1031.

30. 1929 P.L. 1278 sec. 551 am. 1937 P.L. 328 sec. 1.

31. 1874 P.L. 154 and 1891 P.L. 168 No. 165 both rep. 1929 P.L. 1278 sec. 1051; 1929 P.L. 1278 sec. 676 am. 1937 P.L. 328 secs. 2, 3.

32. 1929 P.L. 607 No. 247.

33. Close v. Bucks County, 2 Woodward 453 (1874).

34. 1811, 2 Sm.L. 218 sup. 1834 P.L. 537 sec. 25 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 107.

35. 1929 P.L. 1278 sec. 110.

they levy taxes.³⁶ The law forbids a higher tax for general county purposes than 10 mills on the dollar of assessed valuation.³⁷ In order to meet the running expenses of the county, the county commissioners may borrow money secured by the current unpaid taxes. All such loans must be repaid within a year.³⁸

Every 3 years a complete assessment is made of all land and other property within the county; in other years assessment is made of property on which a great change in value has occurred during the past year.³⁹ The local assessors of county taxes are elected by the people of the boroughs and townships, but paid by the county commissioners, their compensation being set by law.⁴⁰ Whenever necessary the county commissioners may appoint interpreters to aid the assessors in their work.⁴¹ In order that assessment does not fail to be carried out, the county commissioners appoint local assessors whenever a vacancy remains unfilled.⁴² The board of county commissioners may fill vacancies in the office of elected tax collectors whenever such vacancies are not otherwise filled.⁴³

After the triennial and inter-triennial assessments have been completed, returns are made to the county commissioners⁴⁴ who have the right to rectify any apparent errors in the appraisals made by the assessors.⁴⁵ Thereupon the commissioners form a board of revision to hear appeals from persons dissatisfied with the assessment of their property as made by the regular assessors and the county commissioners.⁴⁶

In seventh-class counties such as Adams, the county commissioners are empowered to fix the compensation of all

36. 1717, III St. at L. 175 sec. 2; 1799, 3 Sm.L. 393 sec. 7 sup. 1834 P.L. 509 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 361 am. 1935 P.L. 1184 sec. 2.

37. 1929 P.L. 1278 sec. 371 am. 1937 P.L. 942 sec. 1.

38. 1929 P.L. 1278 sec. 371.1 added 1931 P.L. 401 sec. 11.

39. 1799, 3 Sm.L. 393 sec. 7 sup. 1834 P.L. 509 sec. 2 rep. 1933 P.L. 853 sec. 601 but reen. in secs. 401, 431; 1849 P.L. 570 sec. 34 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 431.

40. 1933 P.L. 853 secs. 305-308; 1935 P.L. 670 No. 251 sec. 1; 1935 P.L. 695 No. 265 sec. 1.

41. 1933 P.L. 853 sec. 309.

42. 1879 P.L. 39 No. 33 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 304.

43. 1933 P.L. 103 sec. 33 am. 1935 P.L. 1205.

44. 1933 P.L. 853 secs. 401, 431.

45. 1834 P.L. 509 sec. 6 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 508; 1841 P.L. 393 sec. 6 rep. 1933 P.L. 853 sec. 601.

46. 1715, III St. at L. 83 sec. 2; 1799, 3 Sm.L. 393 secs. 8, 9 sup. 1834 P.L. 509 secs. 8-10 rep. 1933 P.L. 853 sec. 601 and reen. in secs. 501-510; 1822, 7 Sm.L. 526; 1842 P.L. 441 sec. 10.

collectors of county taxes.⁴⁷ They may take measures to fine negligent assessors and tax collectors,⁴⁸ and on petition of 500 taxpayers they may change the dates after which reduction of taxes for prompt payment cannot be made.⁴⁹ The commissioners are permitted to refund any taxes or license fees erroneously paid to the county,⁵⁰ and to appraise the personal property of anyone who neglects to file a return. In the latter case, they add 50 percent to their valuation as compensation for their trouble.⁵¹ County commissioners in 1846 were given the power to appoint mercantile appraisers,⁵² but since 1919 these officers have been appointees of the State Auditor General.⁵³

Whenever a property being sold for taxes fails to find a buyer, the commissioners pay the taxes and hold the property themselves. If it is still unredeemed after 2 years, they sell it at a public sale.⁵⁴ The property may be sold at a private sale with the approval of the court of common pleas.⁵⁵

All money spent by the county is paid out by the treasurer on warrants drawn by the county commissioners,⁵⁶ who award all contracts to the lowest responsible bidder.⁵⁷ It is a misdemeanor for county officials to be financially interested in a contract, and, if convicted for such an offense they may be fined or removed from office.⁵⁸ At first the county treasurer was appointed by the commissioners⁵⁹ but since 1841 he has been elected.⁶⁰ The county commissioners appropriate all money for county uses from the general county funds which are secured from the taxes they levy, by

47. 1927 P.L. 719 No. 369 sec. 1.

48. 1710-11, II St. at L. 369 sec. 4; 1715, III St. at L. 83 sec. 7; 1799, 3 Sm.L. 393 sec. 23 sup. 1834 P.L. 509 sec. 24 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 310.

49. 1885 P.L. 204 secs. 1, 2.

50. 1834 P.L. 509 sec. 48; 1929 P.L. 1656 No. 518 am. 1935 P.L. 1210 rep. 1937 P.L. 786 sec. 3; 1937 P.L. 786 secs. 1, 2.

51. 1913 P.L. 507 sec. 5 am. 1923 P.L. 474 No. 260 further am. 1927 P.L. 985 No. 476 further am. 1931 P.L. 544.

52. 1846 P.L. 486 sec. 12.

53. 1919 P.L. 963 sec. 3.

54. 1815 P.L. 177, 6 Sm.L. 268 sec. 3 am. 1889 P.L. 141; 1931 P.L. 280 sec. 16 am. 1939 P.L. 498 sec. 8; 1931 P.L. 280 sec. 17 am. 1939 P.L. 498 sec. 18.

55. 1933 P.L. 1019 am. 1935 P.L. 1168 No. 378.

56. 1799, 3 Sm.L. 393 sec. 14 sup. 1834 P.L. 537 sec. 37 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 362.

57. 1870 P.L. 634 No. 765.

58. 1806, 4 Sm.L. 324 sup. 1834 P.L. 537 sec. 43 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 64.

59. 1710, II St. at L. 369 sec. 3; 1717, III St. at L. 175 sec. 11; 1757, V St. at L. 337 sec. 13; 1797, 3 Sm.L. 393 sec. 13; 1834 P.L. 597.

60. 1841 P.L. 400 sec. 1.

levying an additional tax allowed by law for certain purposes, or by borrowing money within the legal limits. For example the salaries of county officers are paid from the general fund, the expenses of road construction may be secured from a special road tax, and money may be borrowed and bonds issued to finance the building of a courthouse. Prior to 1874 the legislature passed special laws permitting the commissioners of a particular county to borrow or to levy a special tax or to use some of the county funds in another way. In 1826 the legislature authorized the commissioners of Adams County to sell the ground rents on certain lots in Gettysburg.⁶¹ After the destruction of the county jail in 1850, the commissioners were permitted to rebuild it without securing the usually necessary authorization from the court and grand jury, and to borrow \$6,000 to finance the construction.⁶²

The county commissioners select and buy all land for public buildings.⁶³ Before constructing, altering, or enlarging the county buildings, they secure the approval of the grand jury and the court of quarter sessions.⁶⁴ Thereafter the county commissioners provide for the upkeep of the courthouse, jails, and other public buildings.⁶⁵ If the courthouse is damaged they select another place for temporary use.⁶⁶ In addition to paying the salaries of county officials, the county commissioners provide all office furnishings, supplies, heat, and light.⁶⁷ With the consent of the grand jury and the court of quarter sessions, they build roads and bridges which they must thereafter maintain.⁶⁸ They are required to provide a jury wheel⁶⁹ and pay for all supplies and services needed for elections,⁷⁰ including voting machines for any political divisions deciding to use them.⁷¹

61. 1826 P.L. 119 sec. 4.

62. 1850 P.L. 5 secs. 1, 3.

63. 1929 P.L. 1278 secs. 513-517, 566; 1929 P.L. 1278 sec. 518 am. 1931 P.L. 401 sec. 1.

64. 1834 P.L. 537 sec. 11 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 552.

65. 1717-18, III St. at L. 175 sec. 2; 1929 P.L. 1278 sec. 552.

66. 1879 P.L. 32 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 552.

67. 1889 P.L. 52 No. 54 am. 1895 P.L. 197 No. 120 further am. 1907 P.L. 308 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 57 am. 1933 P.L. 992.

68. 1732, IV St. at L. 234 sec. 3; 1799, 3 Sm.L. 393 sec. 24; 1836 P.L. 551 sec. 36 rep. 1929 P.L. 1278 sec. 1051; 1929 P.L. 1278 secs. 701, 724, 871, 874.

69. 1834 P.L. 333 secs. 81, 83.

70. 1799, XVI St. at L. 163 secs. 3, 21, 23 rep. 1839 P.L. 519 sec. 174 but sup. 1840 P.L. 683 sec. 7 rep. 1937 P.L. 1333 sec. 1901 but reen. in secs. 302, 305(a).

71. 1929 P.L. 549 sec. 4 rep. 1937 P.L. 1333 sec. 1901 but reen. in secs. 1104, 1108.

Various expenses connected with the maintenance of certain classes of people must be paid by the county commissioners. They are obliged to furnish all food, clothing, and supplies used in the county jail⁷² and in the poor-house.⁷³ The commissioners must provide separate accommodations for women jurors,⁷⁴ and a separate room or building for juvenile offenders awaiting trial.⁷⁵ In Adams County there are so few juvenile offenders that a juvenile detention home has not been established; hence the county sends such children to a privately operated home for children. The commissioners pay for the maintenance of all inmates of the State penitentiaries,⁷⁶ the State Industrial Home for Women,⁷⁷ and the Huntingdon Industrial School⁷⁸ who were convicted within the county. Whenever an inmate of the Huntingdon institution⁷⁹ or the State Industrial Home for Women⁸⁰ is convicted of a new crime committed while serving sentence there, his maintenance and the cost of the new trial must still be paid by the county in which he was originally sentenced. The county commissioners pay half the expenses of children in homes of refuge⁸¹ and the entire cost of maintenance of indigent patients in tuberculosis sanatoria.⁸² They must pay for the burial of all indigent persons of the county.⁸³

The care of indigent insane persons has been a responsibility of the county commissioners. Before 1883 the insane poor were usually sent to the almshouse. In that year, however, the Board of Public Charities was given certain supervision over the insane⁸⁴ and the expenses for the care and maintenance of such persons was divided between the State and the county.⁸⁵ After 1889 the county or poor district was responsible for a portion of these expenses and

72. 1786, XII St. at L. 280 sec. 12; 1790, 2 Sm.L. 531 sec. 30.

73. 1937 P.L. 2017 sec. 305.

74. 1921 P.L. 384 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 554.

75. 1901 P.L. 279 sec. 10 rep. 1903 P.L. 274 sec. 12; 1903 P.L. 137 No. 98 sec. 1 am. 1913 P.L. 870 No. 420 sec. 1 rep. 1933 P.L. 1433 sec. 28 but reen. in sec. 7; 1929 P.L. 1278 sec. 555.

76. 1829, 10 Sm.L. 431 sec. 9 sup. 1929 P.L. 694 sec. 1; Pa. Att. Gen., Official Opinions, 1927-28, pp. 152-164.

77. 1913 P.L. 1311 sec. 25 am. 1929 P.L. 698.

78. 1887 P.L. 63 sec. 17 am. 1929 P.L. 697.

79. 1893 P.L. 280 sec. 1.

80. 1913 P.L. 1311 secs. 22, 23; 1913 P.L. 1311 sec. 24 am. 1929 P.L. 698.

81. 1901 P.L. 158 sec. 1 sup. 1903 P.L. 83 No. 77 am. 1925 P.L. 156 No. 115.

82. 1911 P.L. 623 secs. 1, 2 sup. 1929 P.L. 1278 sec. 442.

83. 1883 P.L. 119 sec. 2 am. 1915 P.L. 479 further am. 1915 P.L. 506 sec. 2 further am. 1919 P.L. 152 further am. 1921 P.L. 167 sec. 1 further am. 1937 P.L. 411 sec. 2 further am. 1939 P.L. 369.

84. 1883 P.L. 21 No. 18.

85. 1883 P.L. 92 sec. 3 rep. 1889 P.L. 258 sec. 2.

the State for the rest. Various laws set forth the exact amounts per week which the State would pay.⁸⁶ A law of 1895 provided that the county was primarily liable, but could recover any money expended from the persons concerned or from the poor district.⁸⁷ Under this system the county commissioners or the authorities in charge of the poor had to send detailed quarterly reports to the Auditor General concerning the number of indigent insane persons from the county or district who were in State hospitals. If this report was not sent, the negligent county or poor district did not receive its share of the State appropriation.⁸⁸ An act of 1938, as amended a year later, provides that after June 1, 1941 all indigent mental patients are to be cared for entirely at State expense in State-owned or State-aided hospitals.⁸⁹ The only exception occurs when a prisoner becomes insane. The county commissioners must then pay for his support in a mental hospital for the period of his original sentence.⁹⁰ The State also cares for indigent mental defectives,⁹¹ and since 1923 inebriates in mental hospitals have been under the same provisions as other mental patients.⁹²

Whenever the court of common pleas decides that any of the county records are not in good condition the commissioners must pay to have them copied.⁹³ The commissioners are obliged to provide rooms and supplies for the judges,⁹⁴ law books for the district attorney,⁹⁵ and copies of the rules of court for the members of the bar.⁹⁶ From 1893 until 1929 the commissioners had to subscribe to three weekly newspapers published in the county and to keep the bound volumes in their office. If there were more than three newspapers published in the county, each commissioner was entitled to select one.⁹⁷ They must have the meridian line marked some-

86. 1889 P.L. 258 secs. 1, 3 am. 1917 P.L. 72 sec. 1 further am. 1921 P.L. 132 No. 81 sec. 1 further am. 1923 P.L. 443 sec. 1 further am. 1925 P.L. 139 sec. 1 rep. 1938 (Sp. Sess.) P.L. 53 sec. 9 but continued in effect until May 31, 1941 by 1939 P.L. 195; 1923 P.L. 998 sec. 503; 1929 P.L. 707 No. 305.

87. 1895 P.L. 270 sec. 1 rep. as to insane prisoners 1917 P.L. 678 sec. 2 which was rep. 1923 P.L. 994 sec. 704.

88. 1901 P.L. 674 sec. 2.

89. 1923 P.L. 998 sec. 503 am. 1938 (Sp. Sess.) P.L. 63 sec. 1 further am. 1939 P.L. 195.

90. 1923 P.L. 998 sec. 507 am. 1937 P.L. 973 sec. 1.

91. 1923 P.L. 998 sec. 309 am. 1937 P.L. 973 sec. 1 further am. 1938 (Sp. Sess.) P.L. 63 sec. 1.

92. 1923 P.L. 998 secs. 315, 316. Prior to 1923 these expenses were shared by the county and the State, 1915 P.L. 120 sec. 5 rep. 1923 P.L. 998 sec. 704.

93. 1827 P.L. 154.

94. 1929 P.L. 1278 sec. 556 am. 1931 P.L. 401 sec. 1.

95. 1929 P.L. 476 No. 193 rep. 1931 P.L. 401 sec. 26; 1929 P.L. 1278 sec. 250 added 1931 P.L. 401 sec. 9.

96. 1903 P.L. 222.

97. 1893 P.L. 105 rep. 1929 P.L. 1278 sec. 1051.

where in the county so that all surveyors can adjust their instruments by it.⁹⁸

A number of military expenses must be borne by the county commissioners. They must provide funerals for veterans and the widows of veterans¹⁰⁰ who die within the county. They are also obliged to supply headstones for veterans' graves,¹⁰¹ finance the registration of such graves,¹⁰² and buy new flags for them every year,¹⁰³ and see that they are kept in good order.¹⁰⁴ Every year for Memorial Day the board must appropriate \$50 to every G.A.R. post in the county. Similar appropriations are made to organizations taking the place of former G.A.R. posts. This money is used for grave decoration and if more than 500 graves are decorated by one organization, it receives \$100.¹⁰⁵ The county commissioners also make appropriations to other veterans' organizations for the same purpose.¹⁰⁶

Until recently the county commissioners have had to pay bounties for the destruction of undesirable wild animals.¹⁰⁷ Various special laws were passed for Adams County enumerating the animals or birds on which bounties would be paid, the amount of bounty for each species, and the conditions of payment.¹⁰⁸ The commissioners of a seventh-class county may still appropriate money to pay premiums for the destruction of rattlesnakes, copperheads, and porcupines caught in the county.¹⁰⁹ All other bounties, however, are now paid by the

98. 1850 P.L. 595

99. 1885 P.L. 17 sec. 1 rep. 1915 P.L. 870 sec. 8 but reen. in sec. 1 sup. 1925 P.L. 676 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 422 am. 1933 P.L. 955 sec. 1 further am. 1935 P.L. 683 sec. 2; 1929 P.L. 1278 secs. 424, 425.

100. 1915 P.L. 132 am. 1917 P.L. 78 No. 41 rep. 1923 P.L. 60 sec. 4 but reen. as am. in sec. 1 sup. 1925 P.L. 676 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 423 am. 1933 P.L. 956 further am. 1935 P.L. 683 sec. 3.

101. 1885 P.L. 17 sec. 4 rep. 1915 P.L. 870 sec. 8 but reen. in sec. 5 sup. 1925 P.L. 676 sec. 6 rep. 1929 P.L. 1278 sec. 1051 but reen. as am. in sec. 426 am. 1931 P.L. 401 sec. 1 further am. 1933 P.L. 957 further am. 1935 P.L. 683 sec. 5 further am. 1939 P.L. 339 sec. 1.

102. 1929 P.L. 609 rep. 1931 P.L. 401 sec. 26; 1929 P.L. 1278 sec. 439 added 1931 P.L. 401 sec. 16 am. 1935 P.L. 683 sec. 8 further am. 1937 P.L. 329.

103. 1923 P.L. 88 No. 62 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 432 am. 1933 P.L. 955 sec. 2 further am. 1935 P.L. 683 sec. 6.

104. 1929 P.L. 1278 sec. 428 added 1931 P.L. 401 sec. 15 am. 1935 P.L. 683 sec. 6.

105. 1907 P.L. 22 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 430.

106. 1929 P.L. 1278 sec. 431.

107. 1717, III St. at L. 175 secs. 2, 3; 1724, IV St. at L. 10 sec. 5; 1885 P.L. 141; 1887 P.L. 116 rep. 1927 P.L. 776 No. 404.

108. 1830 P.L. 227 No. 139; 1872 P.L. 685; 1876 P.L. 187.

109. 1937 P.L. 1190 sec. 1.

State.¹¹⁰

From 1893 until 1921 the commissioners were required to levy a tax on all the dogs of the county. The proceeds from it were used to pay damages to the owners of sheep destroyed by dogs.¹¹¹ The dog tax is now collected for the State by the county treasurer, and damages are paid by the State Department of Agriculture.¹¹²

Until the Free School Act¹¹³ went into effect, the commissioners paid for the schooling of all poor children of the county.¹¹⁴ At present the expenses of the county teachers' institutes are the responsibility of the county commissioners¹¹⁵ with the exception of the compensation of teachers for attending, which has been paid by the local school district since 1933.¹¹⁶

A special law passed in 1865 required the commissioners of Adams County to establish a county law library, providing a place for it in the courthouse. Once it is established, however, the commissioners have no further authority over the law library since it is under the supervision of the court. The commissioners may, however, make appropriations for the use of the law library.¹¹⁷ This library is located on the second floor of the Adams County courthouse.

In addition to these services which the county commissioners are required to provide for the county at large or for certain classes of its people, there are numerous appropriations which they may make either at their own discretion or at the bidding of the electorate, the court, the grand jury, or a combination of these agencies. On their own responsibility the commissioners may levy a tax of not more than 2 mills on the dollar for road construction and repairs¹¹⁸ and may borrow up to 2 percent of the assessed

110. 1937 P.L. 1223 secs. 1101-1105.

111. 1893 P.L. 136 No. 88 rep. 1917 P.L. 818 sec. 41 but reen. as am. in secs. 4, 5, 15, 16, 28, 31, 34 rep. 1921 P.L. 522 sec. 43.

112. 1921 P.L. 522 sec. 26 am. 1923 P.L. 16 sec. 2 further am. 1927 P.L. 63 sec. 12 further am. 1929 P.L. 1713 sec. 1 further am. 1931 P.L. 311 sec. 2 further am. 1933 P.L. 1036 sec. 2 further am. 1935 P.L. 219 sec. 4.

113. 1834 P.L. 170 No. 102; 1836 P.L. 525.

114. 1804, XVII St. at L. 720 ch. 2565 sec. 2 (in effect for 3 years); 1809, 5 Sm.L. 73; 1824 P.L. 137 sec. 67 rep. 1826 P.L. 52 and the act of 1809 revived, sup. 1854 P.L. 617.

115. 1911 P.L. 309 sec. 2102 am. 1933 P.L. 1152 sec. 12 further am. 1935 P.L. 1204.

116. 1911 P.L. 309 sec. 2104 am. 1933 P.L. 1152 sec. 12.

117. 1865 P.L. 408 No. 395; 1866 P.L. 522; 1876 P.L. 187; 1901 P.L. 165; 1923 P.L. 941; 1929 P.L. 1278 secs. 481-483.

118. 1929 P.L. 1278 sec. 875 am. 1933 P.L. 959.

valuation of the county for the same purpose.¹¹⁹ The board may take over and maintain borough and township roads and bridges,¹²⁰ rebuild destroyed bridges including those not originally county bridges,¹²¹ and aid in the construction and repair of local roads and bridges.¹²² The county commissioners are allowed to enter into contracts with the Department of Highways under which the county contributes money to the Department for the construction and improvement of more mileage in the county than could be taken care of otherwise with State money. In such cases the Highway Department consults with the commissioners concerning the roads which shall be improved.¹²³ The commissioners are permitted to procure the right of way of any abandoned railroad for future use as a road by the county.¹²⁴

County commissioners are also permitted to appropriate and borrow money for flood control work.¹²⁵ They may aid subordinate political divisions in building sewers and sewage treatment plants¹²⁶ and in constructing airports.¹²⁷ They are empowered to establish various recreation facilities, such as parks, playgrounds, and swimming pools¹²⁸ as well as auditoriums and libraries.¹²⁹ The county commissioners may establish a county children's home,¹³⁰ a contagious disease hospital,¹³¹ and a county home for delinquent women.¹³²

The law of 1913 permitted any county to participate in the mothers' assistance plan if the commissioners appropri-

119. 1901 P.L. 631 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 876 am. 1937 P.L. 942 sec. 3.

120. 1929 P.L. 1278 secs. 757, 758, 831, 832, 903.

121. Tbid., sec. 732 am. 1937 P.L. 942 sec. 3; 1929 P.L. 1278 secs. 821, 822.

122. 1879 P.L. 146 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 755 am. 1935 P.L. 1037; 1929 P.L. 1278 secs. 951-958.

123. 1929 P.L. 1052 secs. 2, 3.

124. 1929 P.L. 1278 sec. 871.1 added 1931 P.L. 401 sec. 22.

125. 1911 P.L. 260 rep. 1929 P.L. 1278 sec. 1051 but reen. as am. in sec. 461.

126. 1915 P.L. 852 rep. 1929 P.L. 1278 sec. 1051; 1929 P.L. 1278 sec. 448 added 1931 P.L. 401 sec. 17.

127. 1929 P.L. 1278 No. 446 rep. 1931 P.L. 401 sec. 26; 1929 P.L. 1278 sec. 493 added 1931 P.L. 401 sec. 18.

128. 1919 P.L. 784 No. 322 sec. 1 am. 1927 P.L. 56 sec. 1 further am. 1929 P.L. 1278 sec. 650 further am. 1935 P.L. 46 sec. 1.

129. 1917 P.L. 1143; 1925 P.L. 340 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 605-608.

130. 1921 P.L. 489; 1921 P.L. 666 No. 281 am. 1931 P.L. 22 No. 21; 1929 P.L. 1278 secs. 611-614.

131. 1917 P.L. 297 supp. 1925 P.L. 3 No. 1 and rep. 1929 P.L. 1278 sec. 1051 but reen. 1929 P.L. 1278 secs. 617-621; 1919 P.L. 255 sec. 1.

132. 1927 P.L. 24 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. 1929 P.L. 1278 sec. 635.

ated an amount equal to that given by the State.¹³³ Adams County adopted the plan in 1914.¹³⁴ Subsequent laws, providing for old age pensions¹³⁵ and blind pensions¹³⁶ paid with State and Federal funds, required operating expenses to be borne by the county commissioners. But since all of these acts were repealed by the Public Assistance Law, the county no longer provides for any part of this work.¹³⁷

Various miscellaneous appropriations may be made by the county commissioners. For example, they are allowed to appropriate a limited amount to defray their expenses at the annual meeting of the State Association of County Commissioners.¹³⁸ They may purchase burial ground for veterans¹³⁹ and pay for the care of the graves.¹⁴⁰ The commissioners are permitted to offer and pay rewards for the apprehension of criminals,¹⁴¹ and to make appropriations to various organizations such as hospitals and homes caring for the poor of the county,¹⁴² tuberculosis societies,¹⁴³ agricultural and horticultural organizations,¹⁴⁴ societies for the prevention of cruelty to animals,¹⁴⁵ and county historical societies.¹⁴⁶ They may also pay wholly or in part for the writing of a county war history.¹⁴⁷ The commissioners are permitted to help support a National Guard company¹⁴⁸ or an armory,¹⁴⁹ and in time of war they may contribute money to civilian ri-

133. 1913 P.L. 118 am. 1915 P.L. 1038 rep. 1919 P.L. 893 sec. 19 but reen. in secs. 1-18 am. 1923 P.L. 307 further am. 1936 (Sp. Sess.) P.L. 118.

134. Smull's Legislative Handbook, 1915, p. 1016.

135. 1933-34 (Sp. Sess.) P.L. 282 rep. 1936 (Sp. Sess.) P.L. 28 sec. 25 reen. as am. in secs. 1-24 further am. 1937 P.L. 2049.

136. 1933-34 (Sp. Sess.) P.L. 246 rep. 1935 P.L. 621 No. 220 sec. 16 but reen. as am. in secs. 1-15, 17.

137. 1937 P.L. 2051 sec. 18.

138. 1913 P.L. 199 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 71, 72.

139. 1915 P.L. 870 sec. 7 rep. 1921 P.L. 473 sec. 8 but reen. in sec. 7 sup. 1925 P.L. 676 sec. 7 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 427.

140. 1929 P.L. 1278 sec. 428 added 1931 P.L. 401 sec. 15 am. 1935 P.L. 683 sec. 6.

141. 1821 P.L. 90, 7 Sm.L. 338 sec. 2; 1929 P.L. 1278 sec. 491.

142. 1915 P.L. 532 rep. 1929 P.L. 1278 sec. 1051 but reen. 1929 P.L. 1278 sec. 441 am. 1931 P.L. 401 sec. 1.

143. 1929 P.L. 1278 sec. 442.

144. 1851 P.L. 289 sec. 4; 1929 P.L. 1278 sec. 445.

145. 1921 P.L. 132 No. 80; 1929 P.L. 1278 sec. 443.

146. 1901 P.L. 274 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 437.

147. 1923 P.L. 688 No. 283 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 436.

148. 1929 P.L. 1278 sec. 412 am. 1937 P.L. 42.

149. 1900 P.L. 33 No. 15 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 411.

fle clubs.¹⁵⁰ Appropriations may also be made to build war monuments,¹⁵¹ furnish rooms for any of the veterans' organizations,¹⁵² or aid any Naval Reserve unit or amateur radio league.¹⁵³ The county commissioners are authorized to contribute as much as \$5,000 annually for agricultural extension,¹⁵⁴ and they may make appropriations for the suppression of animal and plant diseases in cooperation with the State Department of Agriculture.¹⁵⁵ They may purchase any real estate which seems suitable as a location for an agricultural fair, and if it is not used for that purpose within 5 years, they may sell it with the approval of the court of common pleas.¹⁵⁶ From among these optional contributions, the commissioners of Adams County appropriate money to the Annie M. Warner Hospital, the County Agricultural Association, the National Guard, and an armory.

Various other appropriations and purchases may be made by the county commissioners only if approval by one or more other agencies is given. With the consent of two successive grand juries they may establish a workhouse¹⁵⁷ or a morgue.¹⁵⁸ On recommendation of the grand jury and approval of the court, the commissioners may construct a building for the custody of vagrants,¹⁵⁹ enlarge county bridges,¹⁶⁰ and aid townships to eliminate grade crossings.¹⁶¹ Whenever a stipulated number of citizens petition the commissioners for the construction of certain institutions, the matter is voted upon by the electorate, and if approved, the commissioners provide the innovation. This procedure is adopted in the case of the building of canals or waterways,¹⁶² the construction of memorial halls,¹⁶³ the erection or comple-

150. 1917 P.L. 750 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 413.

151. 1919 P.L. 374 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 590, 591.

152. 1919 P.L. 784 No. 321 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 560.

153. 1929 P.L. 1278 sec. 450 added 1937 P.L. 1968 sec. 1.

154. 1913 P.L. 204 am. 1919 P.L. 90 further am. 1929 P.L. 545 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 444 am. 1931 P.L. 401 sec. 1.

155. 1923 P.L. 73 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 446 am. 1935 P.L. 226.

156. 1937 P.L. 2612.

157. 1767, 1 Sm.L. 268 secs. 4-6; 1895 P.L. 377 No. 269; 1929 P.L. 1278 sec. 568.

158. 1893 P.L. 447 sec. 1 par. 1 am. 1899 P.L. 52.

159. 1876 P.L. 154 sec. 6.

160. 1929 P.L. 1278 sec. 732 am. 1931 P.L. 401 sec. 1 further am. 1937 P.L. 942 sec. 2.

161. 1903 P.L. 164 No. 123.

162. 1929 P.L. 1278 secs. 471-477.

163. 1907 P.L. 148 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 592-600; 1909 P.L. 18 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 601, 602.

tion of soldiers' monuments,¹⁶⁴ the purchase and freeing of toll bridges,¹⁶⁵ and the establishment of a county tuberculosis hospital,¹⁶⁶ a hospital for women with nervous diseases,¹⁶⁷ or a county mosquito extermination commission.¹⁶⁸

The county commissioners have always held a number of ex officio positions. As has been noted, they form the board of revision for tax assessments.¹⁶⁹ From 1835 until 1842 they constituted a board to appraise all land on which any purchase money was due to the State.¹⁷⁰ From 1805 until 1867 they, with the sheriff, took charge of filling the jury wheel and drawing the jurors' names.¹⁷¹ But now the jury commissioners have been given all the duties of the county commissioners in connection with the selection of jurors.¹⁷² The commissioners are official visitors of the State penitentiaries¹⁷³ and also belong to the county sinking fund commission.¹⁷⁴

Gradually the county commissioners have received powers which have placed them in charge of elections. Before 1937 they were obliged to provide supplies and official lists, appoint custodians, and select polling places.¹⁷⁵ In 1937 they became the county board of elections¹⁷⁶ and the permanent registration commission¹⁷⁷ under which these varied duties have been coordinated.

In the colonial period each borough and township took care of its own poor, with poor relief under the direction of elected overseers of the poor.¹⁷⁸ A law passed in 1817 made Adams County a separate poor district administered by three elected directors of the poor.¹⁷⁹ A poorhouse was

164. 1895 P.L. 96 sec. 1 am. 1913 P.L. 207 No. 146 both rep. 1929 P.L. 1278 sec. 1051; 1929 P.L. 1278 sec. 592.

165. 1929 P.L. 1278 sec. 941.

166. 1921 P.L. 944 rep. 1925 P.L. 65 sec. 14 but reen. as am. in secs. 1-13 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 622-633.

167. 1929 P.L. 38.

168. 1935 P.L. 641.

169. 1715, III St. at L. 83 sec. 2; 1724-25, IV St. at L. 10 sec. 7; 1799, 3 Sm.L. 393 secs. 8, 9 sup. 1834 P.L. 509 secs. 8-10 rep. 1933 P.L. 853 sec. 601 but reen. in secs. 501-10; 1841 P.L. 441 sec. 10 am. 1844 P.L. 501 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 501.

170. 1835 P.L. 148 sec. 1.

171. 1805, 4 Sm.L. 237 sec. 1 sup. 1834 P.L. 333 sec. 79.

172. 1867 P.L. 62.

173. 1829 P.L. 341 sec. 8 art. VII.

174. 1911 P.L. 895 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 395.

175. 1840 P.L. 683; 1893 P.L. 419 secs. 9, 26; 1897 P.L. 223 sec. 5; 1929 P.L. 549 sec. 4. All rep. 1937 P.L. 1333 sec. 1901.

176. 1937 P.L. 1333 sec. 301(b).

177. 1937 P.L. 487.

178. 1771, 1 Sm.L. 332.

179. 1817 P.L. 196.

erected at Gettysburg.¹⁸⁰ This system continued in force until the enactment of the County Institution District Law which required that each county establish itself as an institution district by January 1, 1938. The office of poor director was abolished to be supplanted by the county institution district board, composed only of the county commissioners.¹⁸¹

Wide powers of appointing county officers and employees have been given to the county commissioners. They were early required to designate a clerk to keep their books and accounts.¹⁸² They appoint all employees of the courthouse¹⁸³ and of most of the institutions, commissions, and boards which they set up. They select and fix the salary of a solicitor who conducts their legal affairs.¹⁸⁴ With the sheriff, the commissioners of a seventh-class county decide the number and compensation of sheriff's deputies.¹⁸⁵ The county commissioners may designate a county engineer, fix his salary, and prescribe his exact duties,¹⁸⁶ but this office has not yet been established in Adams County. The board of county commissioners appoints a sealer of weights and measures¹⁸⁷ and a veterans' grave registrar.¹⁸⁸ In Adams County the work of the latter officer has been done by the county commissioners' clerk. From 1870 until 1925 the commissioners selected wardens to find and punish people causing forest fires. The county paid the entire cost of this service until 1897 when the State began to pay half.¹⁸⁹ At present the State employs and pays fire wardens.¹⁹⁰ Other officials whom the county commissioners may select are county health

180. Pennsylvania Department of Welfare, Poor Relief Administration in Pennsylvania, p. 262, hereinafter cited as Pa. Dept. Welfare, Poor Relief Administration.

181. 1937 P.L. 2017.

182. 1715, II St. at L. 83 sec. 7 (this statute permitted the county commissioners to appoint a clerk; subsequent laws require them to do so); 1799, 3 Sm.L. 393 secs. 11, 12 sup. 1834 P.L. 537 sec. 20 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 109, 110.

183. 1895 P.L. 236 No. 136 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 558.

184. 1895 P.L. 101 No. 75 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 151, 152.

185. 1933 P.L. 14 sec. 2.

186. 1919 P.L. 163; 1929 P.L. 1278 secs. 166, 167.

187. 1911 P.L. 275 sec. 1 am. 1913 P.L. 960 No. 444 further am. 1917 P.L. 1102.

188. 1929 P.L. 1278 sec. 439 added 1931 P.L. 401 sec. 16 am. 1937 P.L. 329 sec. 1.

189. 1870 P.L. 1316 am. 1897 P.L. 295 sec. 1 rep. 1925 P.L. 88 Nos. 57, 58.

190. 1923 P.L. 498 sec. 1602(h) rep. 1929 P.L. 177 sec. 3001 but reen. in sec. 1802(h).

officers,¹⁹¹ a planning commission,¹⁹² a park or recreation board,¹⁹³ a housing authority,¹⁹⁴ and a zoning commission. If the latter commission is set up the commissioners may determine the manner of appointment of a board of zoning adjustment¹⁹⁵ and may make zoning ordinances.¹⁹⁶ None of these offices has been set up in Adams County.

The board of county commissioners, as the central agency of county government, is expected to prepare various reports concerning its diversified activities. Many of these reports relate to taxation. The commissioners prepare a statement for the prothonotary showing the amount of taxes due and unpaid by each tax collector,¹⁹⁷ and they furnish the county treasurer with the names of the tax collectors and the amount for which each is responsible.¹⁹⁸ The commissioners make an annual statement for the Secretary of Internal Affairs of all property taxable for county purposes¹⁹⁹ and for the State Treasurer of all property taxable for State purposes.²⁰⁰ A list of all the taxable inhabitants of the county must be sent to the Governor and a duplicate to the court of quarter sessions.²⁰¹ Extensive reports must be sent to the Department of Internal Affairs. The president of the board of county commissioners notifies the Department of all proceedings for incurring or increasing county indebtedness, except 1-year notes, in anticipation of revenue.²⁰² The commissioners send to the Department an annual record of all taxes paid in the county and its subordinate political divisions. It must be broken down into the following classifications: Poor taxes, personal property taxes, occupation taxes, license fees, and taxes on real estate owned by railroads and other corporations.²⁰³ The commissioners must furnish to the Department any information which it may request concerning the assessing and collecting of taxes.²⁰⁴ They prepare an annual report for the Secretary of the Commonwealth stating county expenditures for all matters per-

191. 1929 P.L. 1278 sec. 447.

192. Ibid. sec. 501 am. 1937 P.L. 2124.

193. 1919 P.L. 784 No. 322 secs. 2-4 am. 1921 P.L. 484 further am. 1927 P.L. 56 secs. 2-4 further am. 1929 P.L. 1278 sec. 652 further am. 1931 P.L. 401 sec. 1 further am. 1935 P.L. 46 sec. 2; 1929 P.L. 1278 sec. 653.

194. 1937 P.L. 955 sec. 5.

195. 1929 P.L. 1278 secs. 510.2, 510.10 added 1937 P.L. 2129 sec. 3.

196. 1929 P.L. 1278 sec. 410 added 1937 P.L. 2129 sec. 1.

197. 1835 P.L. 45 sec. 3; 1885 P.L. 187 sec. 11 rep. 1937 P.L. 2780 sec. 7 but reen. in sec. 1.

198. 1835 P.L. 45 sec. 3.

199. 1874 P.L. 193 sec. 1.

200. 1878 P.L. 126 sec. 2.

201. 1821, 7 Sml. 341 secs. 2, 3; 1799, IX St. at L. 326 sec. 1 required that this list be sent to the Assembly.

202. 1929 P.L. 91 sec. 3 am. 1933 P.L. 97.

203. 1889 P.L. 157 secs. 1, 2.

204. 1919 P.L. 239 sec. 1.

taining to crime, including expenses for the criminal courts and for forfeited bonds.²⁰⁵ Twice a year the commissioners make a report to the Department of Revenue showing the receipt and disbursement of all money received during the preceding 6 months as the county's share of the liquid fuels tax fund. Further payments to the county are withheld until this report is filed.²⁰⁶

The county commissioners were made responsible for having various lists made. The law requires that they have a census made every 7 years²⁰⁷ with the deaf and dumb²⁰⁸ and the blind²⁰⁹ noted separately. One copy is sent to the Governor²¹⁰ and another to the court of quarter sessions.²¹¹ In the past the tax lists were used as a basis for preparing voting lists.²¹²

The county commissioners must have their clerk keep minutes of all their meetings.²¹³ In Adams County the extant commissioners' minute books date from 1841.

Many of the commissioners' records are concerned with taxation. They have filed the oaths of all assessors²¹⁴ and collectors²¹⁵ of State and county taxes. Very important records are the assessment books, dating from the establishment of the county. They consist of the assessors' returns of the property of all the taxable inhabitants of the county.²¹⁶ Noted on the assessors' returns are all tax-exempt property²¹⁷ and all timber lands which are taxed at a lower rate.²¹⁸ When the assessors make their returns, they pre-

205. 1847 P.L. 172 sec. 3.

206. 1931 P.L. 149 sec. 10 am. 1935 P.L. 412 further am. 1939 P.L. 634.

207. 1800, XVI St. at L. 434; 1807, XVIII St. at L. 437; 1821 P.L. 4, 7 Sm.L. 341 sec. 1.

208. 1821 P.L. 98, 7 Sm.L. 393 sec. 1.

209. 1836 P.L. 328 sec. 2.

210. 1821 P.L. 4, 7 Sm.L. 341 sec. 2.

211. *Ibid.*, sec. 3.

212. 1766, VII St. at L. 32; 1799, 3 Sm.L. 340 sec. 6 rep. 1839 P.L. 519 sec. 174 but reen. in secs. 57-59.

213. 1715, III St. at L. 83 sec. 7; 1799, 3 Sm.L. 393 sec. 11 sup. 1834 P.L. 537 sec. 20 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 110.

214. 1799, 3 Sm.L. 393 sec. 6 sup. 1834 P.L. 537 sec. 88 rep. 1933 P.L. 853 secs. 302, 303.

215. 1846 P.L. 486 sec. 19.

216. 1799, 3 Sm.L. 393 sec. 7 sup. 1834 P.L. 509 sec. 6; 1841 P.L. 393 sec. 6; 1919 P.L. 1005. All rep. 1933 P.L. 853 sec. 601 but reen. in sec. 403.

217. 1933 P.L. 853 sec. 405.

218. 1883 P.L. 112 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 418; 1901 P.L. 77 No. 48 rep. 1905 P.L. 118 sec. 3 but reen. in sec. 1; 1913 P.L. 405 No. 269 sec. 2 rep. 1933 P.L. 853 sec. 601 but reen. in secs. 418, 419.

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pare a list of all persons over 21 who reside in their districts.²¹⁹ The personal property tax returns were at first reported by the assessor, but at present they are prepared by the individual taxpayers,²²⁰ and are therefore filed separately. Also found in the office of the commissioners of Adams County are reports sent by the treasurer showing the amount of taxes collected and the amount still due from each collector.²²¹ These are from the period between 1801 and 1900.

Various reports are sent to the commissioners to aid them in checking on the returns of real and personal property. These include statements prepared by purchasers of unseated lands²²² and copies of the recorder of deeds' daily record of conveyances and of deeds recorded in his office.²²³ The recorder likewise once a month sends a report of every mortgage and other agreement to secure the payment of money which was presented for recording.²²⁴ The prothonotary sends a list of all instruments securing a debt which are recorded in his office and of all mortgages held by nonresidents. Once a year the commissioners report to all political subdivisions of the county, noting the amount, number, and location of all such mortgages held there.²²⁵ In Adams County the commissioners do not preserve these reports in their office. Instead, they turn them over to the assessors.

The county commissioners are obliged to note all abatements and exonerations of taxes, and the reasons for such action on their part.²²⁶ In Adams County a record of these exonerations has been kept since 1909. In addition, various papers concerning these matters have been filed together during various recent years. The record of tax exonerations made prior to 1909 is found in the Assessors' Returns.

A record of all seated land on which taxes are unpaid

219. 1933 P.L. 853 sec. 403; 1933 P.L. 853 sec. 404 am. 1935 P.L. 646.

220. 1799, 3 Sm.L. 393 sec. 8 sup. 1834 P.L. 509 sec. 4 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 201(c); 1879 P.L. 112 rep. 1913 P.L. 507 sec. 19 but reen. as am. in sec. 1 am. 1929 P.L. 871 further am. 1929 P.L. 1509 further am. 1933 P.L. 54 further am. 1935 P.L. 414 sec. 17 further am. 1939 P.L. 413 sec. 1.

221. 1799, 3 Sm.L. 393 sec. 14 sup. 1834 P.L. 537 sec. 37 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 362.

222. 1933 P.L. 853 sec. 409.

223. 1911 P.L. 62 secs. 1, 2 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 407(a, b); 1929 P.L. 620 No. 258.

224. 1879 P.L. 112 sec. 7 rep. 1913 P.L. 507 No. 335 sec. 19 but reen. in sec. 7; 1899 P.L. 41; 1909 P.L. 289.

225. 1879 P.L. 112 supp. 1885 P.L. 193 further supp. 1889 P.L. 420 secs. 8-11 rep. 1913 P.L. 507 No. 335 sec. 19 but reen. in secs. 8-11.

226. 1834 P.L. 509 sec. 18 am. 1917 P.L. 840 sec. 1500; 1849 P.L. 167 sec. 4.

must be kept by the county commissioners.²²⁷ In Adams County this has been entitled Tax and Assessment Lien Ledger. Whenever it becomes necessary for the county commissioners to take over any such property for nonpayment, they record it in a separate book, each year adding the new taxes which become due. When it is finally redeemed or sold, all back taxes must be paid.²²⁸ This book is not kept in Adams County because the commissioners have a policy of not taking over such land.

The county commissioners are obliged to keep financial accounts which are examined annually by the county auditors.²²⁹ A number of financial records have been kept by the commissioners of Adams County. The volumes entitled Budget Adams County are a record of expenditures charged to appropriations granted for the administration and operation of county offices. This record has been kept in this form only since 1939. Since the establishment of the county, bills and orders for county expenditures have been filed in the commissioners' office. Orders were filed separately during the years 1888 to 1918, and stubs of orders issued during various years since 1882 have also been kept separately. From 1804 until 1938 the county commissioners kept a record of orders issued for county expenditures. Another record relating to orders issued is a primary record of those orders which were entered in the Order Book. This was kept only from 1852 until 1855.

Since the sheriff is paid for the maintenance of prisoners only on the basis of actual expenses incurred by him for that purpose,²³⁰ he sends to the commissioners statements of those expenses. These were filed separately from 1800 until 1875, but since 1875 they have been kept in the general file of bills and orders.

The county commissioners have also kept various records relating to the expenditures of the money allotted from the liquid fuels tax fund.²³¹ These consist of reports from boroughs and townships of their expenditures of such moneys, and a record of those expenses made by the county which are chargeable to that fund.

In addition, the county commissioners have kept reports

227. 1931 P.L. 280 sec. 1 am. 1939 P.L. 498 sec. 1; 1931 P.L. 280 secs. 2, 3.

228. 1815, 6 Sm.L. 299 sec. 5; 1929 P.L. 1684 sec. 13 rep. 1931 P.L. 280 sec. 22 but reen. in sec. 10.

229. 1799, 3 Sm.L. 393 secs. 11, 12 sup. 1834 P.L. 537 sec. 20 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 110; 1929 P.L. 1278 sec. 363 am. 1931 P.L. 401 sec. 1.

230. 1856 P.L. 314 sec. 1 rep. 1927 P.L. 310 sec. 2 but reen. as am. in sec. 1.

231. 1931 P.L. 149 sec. 10 am. 1935 P.L. 412 further am. 1939 P.L. 634.

from county officers relating to fees earned and money collected, a few paid promissory notes, and a record of money owed by the county between 1864 and 1873. The only remaining financial record kept by the commissioners of Adams County is a group of affidavits for bounty claims filed between 1913 and 1916. Bounty affidavits for the period from 1886 until 1913 are kept with the general county bills and orders.²³²

All proceedings relating to county aid in the construction and repair of township roads and bridges must be recorded by the county commissioners.²³³ These details, however, have not been entered in a separate docket, but have been recorded in the commissioners' minute book. Numerous original papers concerning bridges have been kept since 1807 by the commissioners of Adams County. These include contracts, plans, specifications, proposals, bids, and contractors' bonds. In a separate box are blueprints of roads and bridges constructed since 1930. A special law, passed in 1870, required that the county commissioners provide a book in which were to be recorded the specifications for all the county buildings and bridges which were to be constructed, altered, or enlarged.²³⁴ This book was actually kept only until 1900, however, and it also shows the name of the successful bidder, the date when the bid was accepted, and the total cost of each project. The commissioners have also kept canceled obligations of the county.

Numerous military records are found in the office of the commissioners of Adams County. Among the early records are a number of original papers relating to pension claims of veterans of the War of 1812 and their dependents. In the early period of the county's history, every able-bodied adult was a member of the militia. A special tax or fine was paid by those men who did not participate in the regular drills. A record of those fines paid from 1801 until 1857 is among the commissioners' papers. From 1858 until 1921 the county commissioners prepared and kept the military roll, which was based on the assessors' returns.²³⁵ Both the assessors' reports of citizens liable for military duty and the actual militia lists are still found in the office of the Adams County commissioners, although neither record is complete for the entire period. A list of the citizens exempted from military service between 1859 and 1863 is also kept.

232. 1885 P.L. 141 rep. 1887 P.L. 116 sec. 2 but reen. in sec. 1 am. 1889 P.L. 54 further am. 1897 P.L. 223 sec. 5 rep. 1927 P.L. 778 No. 104.

233. 1879 P.L. 146 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 756 am. 1933 P.L. 958.

234. 1870 P.L. 834 secs. 1-4.

235. 1858 P.L. 421 secs. 2, 3 rep. 1887 P.L. 23 sec. 135 but reen. in secs. 111-115 sup. 1899 P.L. 266 secs. 2-6 reen. 1921 P.L. 54 No. 27 sec. 1; 1864 P.L. 222 sec. 2 rep. 1887 P.L. 23 sec. 135.

Several of the military records are from the Civil War period. These include petitions for relief of soldiers' families, minutes of the special relief board created to take care of these matters, various papers concerning claims for pensions made by veterans and their dependents, and a record of the treatment of wounded soldiers after the Battle of Gettysburg when the courthouse was used as a hospital.

Applications for the burial of indigent veterans by the county are also among these papers. These applications have been kept since 1885. The veterans' grave register,²³⁶ the work sheets used in compiling this record, and tracings of cemeteries in the county are found among the records dealing with military affairs.

Several miscellaneous records have been kept by the commissioners of Adams County. These include a record of the time spent by the commissioners in county business during a part of the period when they were paid on a per diem basis. The book entitled Day Book is a record of the county commissioners' valuations of all land on which any purchase money was due the State.²³⁷ The commissioners also keep a book in which every surveyor of the county enters annually the deviation of his compass from the true meridian.²³⁸ In addition they have kept various facts secured from the census returns of 1830, 1850, 1860, 1870, and 1880, miscellaneous papers filed by tax assessors, and the newspaper files which they formerly had to keep.²³⁹ Although they have not been required since 1929 to keep up these newspaper files, the commissioners of Adams County have continued to do so in order to have proof of publication. The county commissioners also have a file of the recent correspondence of their office.

The file of county officials' bonds assigned by legislation²⁴⁰ to the custody of the commissioners is kept by the prothonotary in Adams County.

Unless otherwise noted records of the commissioners are located in basement vault B.

Minutes

1. MINUTE BOOK OF COMMISSIONERS, 1841--. 10 vols.
(6 vols. unlabeled; 4 vols. dated).
Minutes of meetings of county commissioners, showing date

236. 1929 P.L. 609 rep. 1931 P.L. 401 sec. 26; 1929 P.L. 1278 sec. 439 added 1931 P.L. 401 sec. 16 am. 1937 P.L. 329; 1937 P.L. 399.

237. 1835 P.L. 148 sec. 1.

238. 1850 P.L. 594 sec. 4.

239. 1893 P.L. 105 rep. 1929 P.L. 1278 sec. 1051.

240. 1929 P.L. 1278 sec. 54 am. 1933 P.L. 946 No. 182.

and place of meeting, names of members present, nature of business transacted, date of next meeting, and signature of clerk. Arr. chron. by date of meeting. No index. Hdw. Aver. 300 pp. 13 3/4 x 8 1/2 x 1 3/4. 9 vols., 1841-1929, off. vlt.; 1 vol., 1930--, clk's. off.

Taxation
(See also entries 302-304)

Assessors

2. (ASSESSMENT BOOK), 1800--. 2992 vols. (dated, and labeled by name of civil division).

Contains:

- a. Oaths of assessors, showing date of oath, names of assessor and district, nature of oath, and signatures of assessor and person administering oath.
- b. Precepts to assessors, showing date of precept, conditions of obligation, and official seal and signature.
- c. Record of real estate, occupational, and personal property tax assessments, showing date; name, address, and occupation of taxpayer; location and description of property; assessed value; amount of exemption; and rate and amount of tax.

Arr. alph. by first letter of surname of taxable. No index. Hdw. and hdw. on ptd. fm. Aver. 56 pp. 17 x 11 x 1/2. Off. vlt.

3. DUPLICATE ASSESSORS BOOKS, 1928--. 113 vols. (dated, and labeled by name of civil division).
Title varies: Tax Duplicates of Assessors, 1928-34, 29 vols.

Duplicates of tax assessment books, showing date; name, address, and occupation of taxpayer; location, description, and valuation of property; tax rate; amount of tax assessment; exonerations; and date paid. Arr. alph. by first letter of surname of taxpayer. No index. Hdw. on ptd. fm. Aver. 50 pp. 11 x 16 x 1/2. 29 vols., 1928-34, bsmt. vlt. B; 84 vols., 1935--, off. vlt.

4. (TREASURER'S REPORTS OF TAX RETURNS), 1801-1900. 1 f.b. 1933-- in Ledger-Commissioners, entry 23.

Report of treasurer to county commissioners of taxes returned, showing date of report; names of civil division and collectors; tax year; amounts of returns and type of tax; amounts of delinquent tax, rebates, discounts, exonerations, penalties, and tax collectors' commissions; and signature of treasurer. Arr. chron. by date of report. No index. Hdw. 12 x 6 x 4.

Personal Property

5. PERSONAL PROPERTY TAX RETURNS, 1940--. 6 bd1. Taxpayers' returns of taxes on personal property, showing date of return, name and address of taxable, itemized statement with valuation of personal property, tax rate, amount

due county and State, affidavit, notarial seal, and signature of taxable. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 7 3/4 x 3 1/2 x 1 1/2. Off. vlt.

6. RECORD OF MORTGAGES, BONDS, JUDGMENTS AND OTHER EVIDENCE OF DEBT, SUBJECT TO TAXATION, 1889, 1936. 34 vols. (labeled by name of civil division). Untitled, 1889, 2 vols. Discontinued.

Record of interest bearing instruments subject to taxation, showing name and address of taxable; date, type, and amount of instrument; and date of satisfaction. Arr. alph. by first letter of surname of taxable. No index. Hdw. on ptd. fm. Aver. 50 pp. 12 x 9 1/2 x 1 1/2.

7. RECORD OF MORTGAGES SUBJECT TO TAXATION, 1885-1918. 5 vols. (1-5).

Record of mortgages subject to taxation, showing date recorded; name of civil division; names and addresses of mortgagor, mortgagee, and assignee; location and description of property; date and amount of mortgage; and vol. and p. of recording in Mortgage Book, entry 59. Arr. alph. by name of civil division and chron. thereunder by date of entry. No index. Hdw. on ptd. fm. Aver. 400 pp. 12 1/2 x 19 x 3.

8. RECORD OF JUDGMENTS SUBJECT TO TAXATION, 1885-1918. 8 vols. (1, 2, 4-9).

Record of judgments subject to taxation, showing court term and case no.; names of defendant and civil division; name and address of plaintiff; amount involved; date and character of instrument securing debt; and dates due, assigned, or satisfied. Arr. alph. by name of civil division and chron. thereunder by date of entry. No index. Hdw. on ptd. fm. Aver. 400 pp. 18 x 12 x 2 1/2. Off. vlt.

9. (MORTGAGE REPORTS), 1885-1917. 13 bdl. Subsequent records kept by tax assessors.

Reports from recorder of deeds of mortgages and assignments subject to taxation, showing names and addresses of mortgagee, mortgagor, or assignee; date; amount; location and description of property; dates filed and satisfied; and signature of recorder of deeds. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 9 x 4 x 3.

10. (MONTHLY JUDGMENT REPORTS), 1885-88, 1916-17.

2 bdl. Subsequent records kept by tax assessors. Reports from prothonotary of judgments and assignments subject to taxation, showing names of parties; court term and case no.; date and character of instrument; amounts involved; dates filed, assigned, or satisfied; and signature of prothonotary. Arr. chron. by date of report. No index. Hdw. 3 3/4 x 9 1/2 x 3 3/4.

Exonerations

11. COUNTY TAX EXONERATIONS, 1909--. 3 vols. Title varies: Exonerations, 1909-33, 2 vols.

Record of tax exonerations granted, showing date; names of

ADAMS COUNTY

civil division, taxpayer, and collector; tax year; type and amount of tax; and reason for exoneration. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 300 pp. 12 $\frac{1}{2}$ x 8 x 3/4. 2 vols., 1909-33, bsm. vlt. B; 1 vol., 1934--, clk's. off.

12. (TAX EXONERATION SLIPS), 1912-15, 1937--. 3 bdl. 1800-1911 in Assessors' Returns, entry 49.

Reports of tax exonerations granted to local tax collectors, showing names of civil division and taxpayer, tax year, date exonerated, type and amount of tax, signature of tax collector, and date filed. Arr. chron. by date filed. No index. Hdw. 4 x 3 x 2 $\frac{1}{2}$. 1 bdl., 1912-15, bsm. vlt. B; 2 bdl., 1937--, off.

Delinquency

13. TAX AND ASSESSMENT LIEN LEDGER, 1908-18, 1930--. 2 vols. Title varies: County Tax Liens, 1908-18, 1 vol.

Record of county tax liens entered, showing name and address of taxable, name of district, tax year, amount, court term and case no., and dates entered and satisfied. Arr. chron. by date entered. No index. Hdw. on ptd. fm. Aver. 490 pp. 14 x 12 x 2 $\frac{1}{2}$. 1 vol., 1908-18, bsm. vlt. B.; 1 vol., 1930--, clk's. off.

Accounts

14. BUDGET ADAMS COUNTY, 1939--. 2 vols. (dated). Record of expenditures charged to appropriations for administration and operation of county offices, showing name and account, amount of appropriation, date, order no., amount of expenditures, name of payee, purpose, totals, and balance. Arr. alph. by name of account and chron. thereunder by date of entry. No index. Hdw. on ptd. fm. Aver. 400 pp. 14 x 18 x 2 $\frac{1}{2}$. Clk's. off.

15. BILLS, 1800--. 1 f. cab., 278 f.b. (dated, and labeled by contained order nos.). Untitled, 1800-1891, 159 bdl.

Bills for county expenditures, showing date, order no., names of account and payee, purpose, amount, and date paid. Also contains: Orders, 1800-1887, 1919--, entry 16; Sheriff's Statement of Maintenance of Prisoners, 1876--, entry 20; (Canceled Notes), 1930--, entry 24; Bounties, 1886-1912, entry 26; Soldiers Burial Record, 1912--, entry 41; and (Canceled Coupon Bonds), 1932--, entry 52. Arr. num. by order no. No index. Hdw. 1800-1891; hdw. and typed on ptd. fm. 1892--. Bdl. 3 x 8 x 3; f.b. 9 x 5 x 15. 1 f. cab., 1800-1891, bsm. vlt. C; 100 f.b., 1892-1934, bsm. vlt. B; 178 f.b., 1935--, off. vlt.

16. ORDERS, 1888-1918. 58 f.b. (dated, and labeled by contained order nos.). 1800-1887, 1919-- in Bills, entry 15.

Orders issued for county expenditures, showing date, order

no., names of account and payee, purpose, amount, date paid, and signature of clerk. Arr. num. by order no. No index. Hdw. on ptd. fm. 9 x 5 x 15 3/4. Bsm. vlt. C.

17. (STUBS OF ORDERS), 1882-1908, 1914-15, 1931--.
42 vols.

Stubs of warrant orders, showing date, order no., amount, purpose, and name of payee. Arr. num. by order no. No index. Hdw. on ptd. fm. Aver. 200 pp. 7 3/4 x 3 3/4 x 1. 7 vols., 1882-1908, 1914-15, bsm. vlt. B; 35 vols., 1931--, off. vlt.

18. COUNTY ORDER BOOK, 1804-1938. 12 vols. (8 vols. unlabeled; 4 vols. A-D). Discontinued. Title varies: Untitled, 1804-26, 1844-84, 8 vols.; Order Book, 1879-85, 2 vols.

Record of orders issued for county expenditures, showing date, order no., names of account and payee, purpose, and amount. Arr. num. by order no. No index. Hdw. Aver. 350 pp. 18 x 12 x 3. 4 vols., 1804-78, bsm. vlt. B.; 8 vols., 1879-1938, off. vlt.

19. BLOTTER FOR ORDERS ISSUED AND TRANSFERRED INTO ORDER BOOK, 1852-55. 1 vol.

Primary record of orders issued and recorded in County Order Book, entry 18, showing date, order no., names of account and payee, purpose, and amount. Arr. num. by order no. No index. Hdw. 35 pp. 12 x 7 1/2 x 1. Off. vlt.

20. SHERIFF'S STATEMENT OF MAINTENANCE OF PRISONERS, 1800-1875. 3 bdl. 1876-- in Bills, entry 15.

Sheriff's statements to commissioners of cost of maintenance of county prisoners, showing date, name and no. of prisoner, number of days boarded, rate per day, item of expenditure, totals, cost of court services, fees, date of audit, and approval of commissioners. Arr. chron. by date of statement. No index. 4 x 3 x 6. Bsm. vlt. C.

21. GASOLINE TAX, 1932--. 7 f.b. (dated, 1-7).

Reports of borough and township supervisors of expenditures of gasoline tax fund allotted by the Commonwealth for road, bridge, and property damage, showing date, name of civil division, location and description of project, names of contractors and supervisors, amount expended, and official seals and signatures. Arr. chron. by date of report. No index. Hdw. on ptd. fm. 9 x 5 x 15. Bsm. vlt. A.

22. LIQUID FUEL TAX EXPENDITURES, 1932--. 1 vol.

Record of expenditures chargeable to gasoline tax fund allotted by the Commonwealth to the county for road, bridge, and property damages, showing date, order no., name of payee, purpose, amount, totals, and balance. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. 300 pp. 18 x 11 x 2 1/2. Clk's. off.

23. LEDGER - COMMISSIONERS, 1933--. 1 vol.

Original and record of monthly reports made to commissioners by county offices of fees earned and moneys collected, show-

ADAMS COUNTY

ing date of report, names of county office and payer, nature of service rendered, date, amount received, and official signatures. Arr. by name of county office, and chron. thereunder by date of entry. No index. Hdw. 250 pp. 14 x 8 x 1 $\frac{1}{2}$. Clk's. off.

24. (CANCELED NOTES), 1928-29. 1 f.b. 1930-- in Bills, entry 15.

Paid promissory notes, showing dates of note, maturity, and payment; rate of interest; amount; name of bank; and signatures of commissioners. No obvious arr. No index. Hdw. on ptd. fm. 10 x 4 x 14.

25. NOTES AND BILLS PAYABLE, 1864-73. 1 vol.

Record of debts owed by the county secured by promissory notes and bond issues, showing name of creditor, date, amount, rate of interest, and dates of maturity and payment. Arr. chron. by date of maturity. No index. Hdw. 10 x 8 x 1 $\frac{1}{2}$.

26. BOUNTIES, 1913-16. 7 f.b. Discontinued as county record; subsequent records kept by State Game Commission. 1886-1912 in Bills, entry 15.

Affidavits for bounty claims filed in killing of destructive animals, showing date, number and kind of animal, amount of premium, date and place of killing, names of claimant and witnesses, official seal and signatures, and claim no. Arr. chron. by date of affidavit. No index. Hdw. on ptd. fm. 9 x 5 x 15. Off. vlt.

Roads and Bridges
(See also entries 208-210)

27. BRIDGE CONTRACTS, 1807--. 43 bdl. (dated).

Original contracts, plans, specifications, proposals, bids, and bonds for construction of county projects, showing date and type of contract; names of bridge, road, stream, contractor, principals, and surety; location and description of bridge; total cost of materials; amounts of bond, contract, and bids; and official seals and signatures. Also contains: (Maps and Plans), 1807-1929, entry 29. Arr. chron. by date of contract. No index. Hdw., typed, and blueprinted. 4 x 10 x 6. 42 bdl., 1807-1939, bsm. vlt. B; 1 bdl., 1940--, off. vlt.

28. SPECIFICATIONS FOR BRIDGES, 1870-1900. 2 vols.
Discontinued.

Record of specifications for bridges, roads, and county buildings, showing date of bid; name and location of project; name of lowest bidder; type and quality of materials to be used; date bid accepted; total cost; and signature of commissioners' clerk. Arr. chron. by date of entry. No index. Hdw. Aver. 150 pp. 12 3/4 x 8 x 1 $\frac{1}{2}$. Off. vlt.

29. (MAPS AND PLANS), 1930--. 1 f. cab.

1807-1929 in Bridge Contracts, entry 27.

Blueprints of roads and bridges constructed in county, show-

ing names of civil division, roads, bridges, and streams; location and description; specifications; dimensions; scale; and name of engineer. No obvious arr. No index. Blue-printed. 60 x 60 x 12.

Welfare

30. (TALBOT FUND PAPERS), 1932-33. 2 ctns. Discontinued.

Contains:

- a. Applications for relief, showing name and address of applicant, date of application, length of residence in county, occupation, nationality, date and place of birth, marital status, military record, number of dependents, reasons for destitution, mental condition, and habits.
- b. Canceled checks issued against Talbot Fund, showing check no.; date; name of recipient; amount; and signatures of commissioners, chief clerk, and treasurer.
- c. List of applicants for relief, showing name and address of applicant, and date of application.
- d. Reports of investigators, showing date and result of investigation, type and amount of relief allowed, duration and date of termination, and signature of investigator.

No obvious arr. No index. Hdw. on ptd. fm. 10 x 10 x 15.

31. (ASSESSORS' REPORTS OF CHILDREN OF SCHOOL AGE), 1910-11. 102 vols. in 1 ctn.

Assessors' report of children of school age, showing date; names of civil division, school districts, and assessors; and names and addresses of parents with number of children of school age in each family. Arr. chron. by date of entry. No index. Hdw. Ctn. 12 x 12 x 20; vols. aver. 30 pp. 6 x 3 x 1 $\frac{1}{2}$.

Military (See also entry 73)

32. WAR RECORDS OF 1812, 1812-54. 2 bdl. Untitled, 1812-48, 1 bdl.

Papers and correspondence concerning claims for pensions by veterans or dependents of veterans of War of 1812, showing date, name and age of applicant or veteran, service record of veteran, date and type of discharge, date and amount of pension granted, official signatures, and date filed. Arr. chron. by date filed. No index. Hdw. and hdw. on ptd. fm. 16 x 4 x 4.

33. MILITIA FINES, 1801-57. 4 vols.

Record of militia fines collected and returned by tax collectors, showing date; amounts; names of civil division, soldier, and tax collector; and signature of commissioners' clerk. Arr. chron. by date of entry. Indexed alph. by first letter of surname of soldier. Hdw. Aver. 400 pp. 16 x 6 x 1. Off. vlt.

34. MILITARY ROLL, 1865-1913. 102 vols. (dated, and labeled by name of civil division). Discontinued. Assessors' reports to county commissioners of male citizens between 18 and 45 years of age eligible for military duty, showing date; name of civil division; and name, address, age, race, occupation, and marital status of citizen. No index. Hdw. on ptd. fm. Aver. 20 pp. 10 x 6 x $\frac{1}{2}$.

35. MILITARY ENROLLMENT, 1864-1924. 16 vols. (1 vol. unlabeled; 11 vols. 1-11; 4 vols. dated), 9 bdl. Discontinued. Untitled, 1874-87, 9 bdl. List of able-bodied male citizens between 21 and 45 years of age eligible for military duty, showing name of civil division; date; and name, address, age, occupation, and marital status of enrollee. Arr. alph. by name of civil division. No index. Hdw. on ptd. fm. Vols. aver. 300 pp. 18 x 12 x $2\frac{1}{2}$; bdl. 4 x 10 x 2. 9 bdl., 1874-87, 3 vols., 1865-73, 1885-91, bsmt. vlt. B; 13 vols., 1892-1924, off. vlt.

36. MILITARY EXEMPT BOOK, 1859-63. 1 vol. List of citizens exempted from military duty, showing date, name of civil division, name and address of citizen, reason for exemption, and date of affidavit. Arr. chron. by date of entry. No index. Hdw. 70 pp. 12 x 8 x $\frac{1}{2}$. Off. vlt.

37. (PETITIONS FOR RELIEF OF FAMILIES OF CIVIL WAR SOLDIERS), 1862-68. 1 bdl. Petitions for relief by dependents of Civil War soldiers, showing date of petition, name and address of petitioner, name and relationship of service man, number and names of dependents, reason for petition, and signature of petitioner. No obvious arr. No index. Hdw. 8 x 6 x 2. Bsmt. vlt. C.

38. CIVIL WAR PAPERS, 1862-65. 1 bdl. Papers and correspondence concerning claims for pensions by dependents of veterans of Civil War, showing information as in entry 32. No obvious arr. No index. Hdw. and hdw. on ptd. fm. 10 x 4 x 14.

39. MINUTES OF RELIEF BOARD OF ADAMS COUNTY COMMISSIONERS, 1861-64. 1 vol. Minutes of relief board created to render assistance to families of volunteers during Civil War, showing date and place of meeting, names of members present, names of families aided, amount received, date of next meeting, and signature of secretary of board. Arr. chron. by date of meeting. No index. Hdw. 64 pp. 10 x 8 x $\frac{1}{2}$. Off. vlt.

40. CONVALESCENTS, 1863. 1 vol. Record of Civil War soldiers given treatment at a temporary hospital in courthouse, showing date, names of soldier and attending physician, squad no., and nature of treatment given. Arr. chron. by date of entry. No index. Hdw. 135 pp. 13 3/4 x 8 1/4 x 1. Off. vlt.

41. SOLDIERS BURIAL RECORD, 1885-1911. 2 vols.
1912-- in Bills, entry 15.

Applications for burial of indigent veterans, showing date; name, address, occupation, date and place of death, and service record of veteran; date and place of burial; itemized statement of burial expenses; and official seals and signatures. Arr. chron. by date of entry. Indexed alph. by first letter of surname of veteran. Hdw. on ptd. fm. Aver. 200 pp. 14 x 8½ x ½. Off. vlt.

42. (VETERANS' GRAVE REGISTRATION WORK SHEET),
1935-37. 1 wooden box.

Work sheets used in compiling veterans' grave registration records, showing name and location of cemetery; lot and grave nos.; name, age, dates of birth, death, and burial, and rank of veteran; type of service; identity of organization; character of memorial and marker, if any; condition of grave; date of inspection; and signature of inspector. No obvious arr. No index. Hdw. and typed. 10½ x 7½ x 2.

43. VETERANS' GRAVE REGISTRATION RECORD, 1776--.
2 vols. (1, 2). Record compiled 1935.

Register of veterans' graves, showing war served in; name, branch of service, rank, and dates of birth and death of veteran; name and location of cemetery; grave and section nos.; type of headstone or marker and by whom erected; date information recorded; and name of informant. Arr. chron. by date recorded. Indexed alph. by first letter of surname of veteran. Hdw. on ptd. fm. Aver. 300 pp. 16 x 10½ x 2. Off. vlt.

44. (TRACINGS OF CEMETERIES IN ADAMS COUNTY), 1935-37.
1 bdl.

Tracings of cemeteries in county to be used for veterans' grave registration records, showing names of civil division and cemetery, location of cemetery, registration, plot and grave nos., and name of drawer. No obvious arr. No index. Hand drawn. 36 x 21½ x 1½.

Miscellaneous

45. COMMISSIONERS TIME BOOK, 1853-82. 1 vol.
Discontinued.

Attendance record of county commissioners, showing names of commissioners, date and place of meeting, number of days served, rate per day, total amount paid, and signature of commissioners' clerk. Arr. chron. by date of entry. No index. Hdw. 65 pp. 9½ x 7 3/4 x 3/4. Off. vlt.

46. DAY BOOK (Certification of Unpatented Lands),
1835-62. 1 vol. Discontinued.

Record of appraised value certified by the commissioners on unpatented land on which money is due and unpaid to the Commonwealth, showing date, name of civil division, date warrant granted, name of warrantee, number of acres, class no., appraised value, and signatures of commissioners. Arr. chron. by date of appraisement. No index. Hdw. on ptd. fm. 265 pp. 11 x 7½ x 1 3/4. Off. vlt.

47. SURVEYORS RECORD, 1852-1905, 1927--. 2 vols.

Title varies: Surveyors Journal, 1852-1905, 1 vol. Record of compass deviation from true meridian, showing date of test, type of instrument used, variation, and signature of surveyor. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 100 pp. 17 x 8 $\frac{1}{2}$ x 3/4. Off. vlt.

48. (CENSUS BOOKS), 1830, 1850, 1860, 1870, 1880.

33 vols.

List of inhabitants of the county, showing date; name of civil division; enumeration district no.; and name, address, age, sex, color, marital status, and date and place of birth of inhabitant. Arr. alph. by name of civil division. No index. Hdw. on ptd. fm. Aver. 200 pp. 18 x 15 x 1. Off. vlt.

49. (ASSESSORS' RETURNS), 1800-1919. 108 bdl.

Miscellaneous papers filed by tax assessors, showing date, names of civil division and assessors, character of instrument, purpose, and signature of assessor. Also contains: Tax Exoneration Slips, 1800-1911, entry 12. Arr. chron. by date of instrument. No index. Hdw. on ptd. fm. 4 x 8 x 3 $\frac{1}{2}$. Bsm. vlt. C.

50. (NEWSPAPERS), 1893--. 140 vols. (dated, and labeled by name of publication).

Local newspapers kept for reference for proof of publication, showing date and place of publication, and name of publisher. Arr. chron. by date of publication. No index. Ptd. Aver. 300 pp. 22 x 16 x 1. Bsm. vlt. C.

51. COMMISSIONERS CORRESPONDENCE, 1937--. 15 f.b., 1 f.d.

General correspondence pertaining to transactions of commissioners' office, showing date, name and address of addressee, nature of correspondence, and signature of sender. Arr. alph. by first letter of surname of sender. No index. Hdw. and typed. 16 x 11 x 18. 15 f.b., 1937-39, bsm. vlt. B; 1 f.d., 1940--, clk's. off.

52. (CANCELED COUPON BONDS), 1906-31. 1 envelope.

1932-- in Bills, entry 15.

Canceled bonds, showing date, bond no., purpose and amount of bond, interest rate, and date paid. No obvious arr. No index. Ptd. 7 x 3 x $\frac{1}{4}$.

II. RECORDER OF DEEDS

Evolution and Structural Organization

The office of recorder of deeds was well established in Pennsylvania when Adams County was formed in 1800. Provisions for the recording of deeds, mortgages, and other conveyances had been in effect since the earliest English settlement of Pennsylvania,¹ and a "recorder or enroller" for each county was a required officer since 1706.² The Constitution of 1776 made the recorder an appointee of the Assembly,³ and the Constitution of 1790 vested his appointment in the Governor.⁴ It was not until 1838 that this officer became elective and the recorder was given a definite term, at that time 3 years.⁵ In 1909 the tenure was increased to 4 years.⁶ In Adams County the recorder of deeds has always held the office of register of wills as well.⁷

Like all other county officers the recorder of deeds must be a citizen and a resident of the county for at least a year before taking office.⁸ Vacancies are filled by the Governor. The appointee holds office until a successor is chosen in the first municipal election which takes place 2 or more months after the original vacancy occurred.⁹ The recorder may not hold the office of county treasurer.¹⁰ He is exempted from military service.¹¹ Before assuming office he must take an oath¹² and post a bond of \$5,000.¹³ He is paid by means of fees.¹⁴ After he has received \$4,000 in fees in any 1 year, he must pay one-half the excess to the State.¹⁵ The recorder appoints and fixes the compensation of a first deputy who takes his place when the office is va-

1. Duke of York's Book of Laws (1678) in Charter to William Penn, pp. 23, 26, 35, 62, 66; Laws of the Assembly (1683) in Charter to William Penn, p. 132 ch. LXXIX; 1700, II St. at L. 131; 1700, II St. at L. 137.

2. 1705-6, II St. at L. 206 sec. 6.

3. Const. 1776, ch. II, sec. 34.

4. Const. 1790, art. II, sec. 8, art. V, sec. 11.

5. Const. 1838, art. V, sec. 10, art. VI, sec. 3.

6. Const., art. XIV, sec. 2 as am. 1909.

7. 1777, IX St. at L. 68 sec. 1; 1839 P.L. 559 sec. 1.

8. Const., art. XIV, sec. 3.

9. 1929 P.L. 1278 sec. 60 am. 1931 P.L. 401 sec. 1; Pa. Att. Gen., Official Opinions, 1925-26, pp. 251-253.

10. 1841 P.L. 400 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 142.

11. 1887 P.L. 23 sec. 110 sup. 1899 P.L. 266 sec. 2.

12. Const., art. VII, sec. 1; 1777, 1 Sm.L. 443 sec. 3; 1929 P.L. 1278 sec. 53.

13. 1929 P.L. 1278 sec. 234.

14. 1868 P.L. 3 sec. 8.

15. 1874 P.L. 125 sec. 1 am. 1921 P.L. 69 further am. 1937 P.L. 2786; Comm. v. Conway, 12 Pa. C. C. 650, 2 Dist. 429 (1893).

cant and who is legally permitted to perform any of the duties of his principal.¹⁶

Functions and Records

The chief duty of the recorder of deeds is to have copied in permanent form certain papers which are of value to their owners. A copy or recording of a document, properly sealed and signed by the recorder, is recognized to be just as legal as the original paper itself. The recorder may make exemplifications, or copies of the recording, which must be accepted in the same manner as if they were the originals. In various cases the law requires that specified papers be recorded in this office, and in many other instances, the law permits people, for their own protection, to have certain documents recorded. Because of the great importance of keeping these records safe, a law of 1790 required that the county commissioners erect stone or brick buildings, as nearly fireproof as possible, for the keeping of the papers of the recorder of deeds and the other recording officers.¹⁷

In arbitration cases, whenever the prothonotary is party to a suit, the recorder of deeds is permitted to act as prothonotary.¹⁸ The recorder administers the oath of office to justices of the peace¹⁹ and is authorized to designate one or more of the clerks employed in his office to administer oaths and affirmations pertaining to the business of the office. An oath or affirmation so given is just as effective as if the recorder himself had administered it.²⁰

This officer is the agent for the Commonwealth for the collection of those taxes and fees which are payable to the State upon the recording of deeds and other instruments and upon the commissions of public officers. He makes returns of these to the Department of Revenue and pays this money to the State Treasury through the Department.²¹

The remaining duties of the recorder are concerned with the keeping of records. In connection with some of his record keeping duties, various reports must be made. He sends to the Auditor General a detailed report whenever articles of association of a limited partnership or joint stock company are received by him.²² He must make a monthly return

16. 1852 P.L. 100 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 235 am. 1931 P.L. 401 sec. 1; 1929 P.L. 1278 sec. 224 am. 1931 P.L. 401 sec. 1 further am. 1933 P.L. 952.

17. Const., art. XIV, sec. 4; 1790, 2 Sm.L. 517 sec. 2.

18. 1809 P.L. 125 sec. 4 and 1825 P.L. 172 sec. 1 both sup. 1836 P.L. 715 sec. 35.

19. 1877 P.L. 12 sec. 4.

20. 1911 P.L. 668 No. 269; 1929 P.L. 1278 sec. 236.

21. 1929 P.L. 343 sec. 613.

22. 1895 P.L. 230.

and pay into the State Treasury through the Department of Revenue all money received for the use of the Commonwealth.²⁵

The recorder must keep a daily record of all deeds and other conveyances of real estate which are presented for recording.²⁴ A similar record is kept of all mortgages and of all agreements to secure the payment of money which are recorded.²⁵ At the end of the month he sends these records to the county commissioners. They are then used by the assessors as a check on the ownership of real and personal property within the county. In addition, a copy of the daily record of mortgages and agreements is sent to the Department of Revenue.²⁶ The recorder sends to the county commissioners the name and complete address of every holder, owner, or assignee of a mortgage.²⁷

An important record of the office is the Deed Book in which the recorder at first placed all the recordings which he had to make, no matter what kind of papers they were. From time to time separate books were begun for each of various types of instruments, so that at present only deeds and plans for subdivisions are recorded in the Deed Book. The law requires that two indexes be prepared for it, one arranged by the names of grantors, the other by the names of grantees.²⁸

Every deed or other conveyance of property, in order to be effective, must be officially recorded in the Deed Book within 90 days after its execution. Before recording, it must be acknowledged by the grantor and proved by witnesses before any one of certain designated officials.²⁹ The recorder must record any deed which is properly executed and acknowledged even if it has been placed on record elsewhere.³⁰ On the margin of any recorded deed or other instrument there must be recorded any final judgment or decree of a Pennsylvania court which affects that instrument.³¹ Sher-

23. 1893 P.L. 125 sec. 1; 1929 P.L. 343 sec. 901 am. 1931 P.L. 318 sec. 1.

24. 1911 P.L. 62 secs. 1, 2 rep. 1933 P.L. 853 sec. 601 but reen. as am. in sec. 407(a, b); 1929 P.L. 620 No. 258.

25. 1879 P.L. 112 sec. 7 supp. 1889 P.L. 420 sec. 7 am. 1905 P.L. 186 rep. 1913 P.L. 509 sec. 19 but reen. in sec. 7.

26. 1935 P.L. 414 sec. 11(b) am. 1937 P.L. 633 further am. 1939 P.L. 76.

27. 1899 P.L. 41.

28. 1827 P.L. 154 sec. 5; 1875 P.L. 32 sec. 1.

29. 1715, III St. at L. 53 sup. 1775, VIII St. at L. 412 sec. 1 supp. 1893 P.L. 108; 1775, VIII St. at L. 412 sec. 4 am. 1878 P.L. 155 sec. 1; 1775, VIII St. at L. 412 sec. 6; 1827 P.L. 9 sec. 1; 1863 P.L. 188 sec. 1; 1870 P.L. 13 sec. 1; 1883 P.L. 136 No. 123; 1895 P.L. 113 sec. 1; 1925 P.L. 613 am. 1931 P.L. 558 No. 191; 1927 P.L. 338.

30. 1907 P.L. 33 sec. 1 sup. 1921 P.L. 649 sec. 1.

31. 1907 P.L. 284; 1921 P.L. 860.

iff's and coroner's deeds³² have been recorded in a separate book since 1905. Other types of conveyances found in the Deed Book are county commissioners' deeds,³³ treasurer's deeds and deeds made in pursuance of a court decree,³⁴ and deeds recorded in the former Land Office.³⁵ Deeds must be entered on the indexes at the time that they are recorded.³⁶

This officer likewise records all mortgages.³⁷ These include not only mortgages on real estate, but mortgages on leaseholds³⁸ and chattel mortgages³⁹ such as mortgages on vessels⁴⁰ and mortgages which are collateral for a loan from the Federal Government.⁴¹ On the margin of the recorded mortgage is entered any satisfaction,⁴² assignment,⁴³ or release.⁴⁴ Postponement of lien of a mortgage, to be legal, must be entered somewhere on the mortgage or made into a written agreement. Whichever is the case, it must be attested and recorded.⁴⁵ When action is brought on a mortgage which is on record, the prothonotary furnishes the recorder with a memorandum containing the names of the parties, the number of the case, the term of court, and the date of the action. These facts are then entered on the record of the mortgage.⁴⁶ All mortgages have priority according to the time when they were recorded. Therefore the recorder of deeds must endorse the exact time upon all mortgages and number them chronologically.⁴⁷ Two indexes have to be provided for all mortgages recorded in this office.⁴⁸

32. 1799, 3 Sm.L. 386 reen. 1806 P.L. 572 sec. 2; 1901 P.L. 431 sec. 45. The recorder must inform the prothonotary where the record of such deeds may be found, 1905 P.L. 265 sec. 5.

33. 1849 P.L. 344 sec. 2.

34. 1846 P.L. 124 sec. 1.

35. 1828 P.L. 37 sec. 1.

36. 1875 P.L. 32 sec. 2.

37. 1715, III St. at L. 53 supp. 1775, VIII St. at L. 412 sec. 2 supp. 1893 P.L. 108 sec. 2; 1775, VIII St. at L. 412 sec. 6; 1827 P.L. 9 sec. 1; 1863 P.L. 188 sec. 1; 1870 P.L. 13 sec. 1; 1883 P.L. 136 No. 123; 1895 P.L. 113 sec. 1; 1921 P.L. 649; 1925 P.L. 613 am. 1931 P.L. 558 No. 191.

38. 1855 P.L. 368 sec. 8; 1876 P.L. 160 sec. 1; 1889 P.L. 197 sec. 2.

39. 1887 P.L. 73 secs. 2, 3 am. 1891 P.L. 102.

40. 1929 P.L. 14 secs. 3-6.

41. 1933 P.L. 6 secs. 2, 3 am. 1935 P.L. 38; 1936 (Sp. Sess.) P.L. 47 secs. 1-3.

42. 1816, 6 Sm.L. 309 sec. 5; 1823 P.L. 216 sec. 1; 1856 P.L. 304 sec. 1; 1915 P.L. 198.

43. 1849 P.L. 524 sec. 14; 1876 P.L. 18 sec. 1; 1903 P.L. 327.

44. 1933 P.L. 810 sec. 128.

45. 1927 P.L. 409 No. 267.

46. 1860 P.L. 630 sec. 1.

47. 1820, 7 Sm.L. 303 am. 1915 P.L. 631 rep. 1927 P.L. 440 sec. 2 but reen. in sec. 1.

48. 1827 P.L. 154 sec. 5; 1875 P.L. 32 sec. 1.

In Adams County mortgages were recorded in the Deed Book until 1807 when a separate Mortgage Book was set up. All types of mortgages are recorded there except chattel mortgages issued under the Federal Farm Credit Act. These are found in a separate group of volumes. Notices and discharges of this type of chattel mortgages are also on file in the recorder's office.

This officer has had to record various charters given to religious, fraternal, political, and commercial organizations. The type of charters recorded include articles of association of corporations,⁴⁹ certificates authorizing changes in a corporate name,⁵⁰ and acceptances of reincorporation.⁵¹ He records all articles of establishment, amendment, or dissolution of a limited partnership.⁵² Articles of incorporation of credit unions were recorded prior to 1937,⁵³ and articles of incorporation and various other papers relating to insurance companies are still recorded.⁵⁴ The papers relating to nonprofit corporations consist of recordings of articles of incorporation, of amendment, and of merger or consolidation, as well as notices of change of location of the registered offices of such corporations.⁵⁵ A few other miscellaneous records relating to specific types of corporations must be recorded here.⁵⁶

Various agreements must be placed on record by the recorder. These include all agreements about public land⁵⁷ and all written agreements relating to real property by the terms of which any rights or privileges of a permanent na-

49. 1874 P.L. 73 sec. 3 am. 1927 P.L. 353 No. 218 further am. 1931 P.L. 10 No. 8 further am. 1937 P.L. 2851, rep. as to nonprofit corporations 1933 P.L. 289 sec. 1102, rep. as to business corporations 1933 P.L. 364 sec. 1202, rep. as to associations 1933 P.L. 457 No. 102 sec. 1302, rep. as to incorporated institutions 1933 P.L. 624 sec. 1602; 1887 P.L. 8 No. 9 sec. 2 am. 1899 P.L. 116; 1887 P.L. 365; 1893 P.L. 89 sec. 2 rep. 1933 P.L. 624 sec. 1602; Pa. Att. Gen., Official Opinions, 1913-14, pp. 116-120.

50. 1903 P.L. 251 rep. as to insurance companies 1929 P.L. 782 sec. 3, rep. as to business corporations 1933 P.L. 364 sec. 1202, rep. as to associations 1933 P.L. 364 sec. 1202, rep. as to incorporated institutions 1933 P.L. 604 sec. 1602.

51. 1909 P.L. 515 sec. 2.

52. 1836 P.L. 143 secs. 11, 24 rep. 1917 P.L. 55 sec. 31 but reen. in secs. 2, 5.

53. 1933 P.L. 1076 sec. 2E am. 1937 P.L. 713.

54. 1911 P.L. 559 secs. 6, 7; 1911 P.L. 569 secs. 6, 7; 1911 P.L. 581 secs. 6, 7, all rep. 1921 P.L. 682 sec. 1101; 1921 P.L. 682 secs. 213, 331, 334, 1921 P.L. 682 sec. 322 am. 1929 P.L. 782; 1921 P.L. 682 sec. 337 am. 1931 P.L. 915 sec. 2.

55. 1933 P.L. 289 secs. 208, 708, 808, 906; 1933 P.L. 289 sec. 316 am. 1935 P.L. 1130.

56. 1881 P.L. 69 No. 76 sec. 1; 1889 P.L. 211 sec. 4 am. 1901 P.L. 514 sec. 3 further am. 1905 P.L. 368 sec. 2; 1913 P.L. 16 sec. 3.

57. 1811 P.L. 37 sec. 1.

ture are granted or by which the grantee or vendee is released from any damages to the property at any future time.⁵⁸ Also recorded here are trusts for real property. These arise when one person makes payment for a property, but title is given to another.⁵⁹ A number of papers may be recorded here on request of any of the parties concerned. These include letters of attorney,⁶⁰ receipts for taxes on unseated lands⁶¹ and for payments for the redemption of such land,⁶² releases,⁶³ final decrees in proceedings concerning the title to real property,⁶⁴ certificates of bankruptcy,⁶⁵ and agreements for the benefit of creditors.⁶⁶ The recorder may also record deeds of trust,⁶⁷ petitions of married women claiming their separate earnings,⁶⁸ decrees in proceedings to discharge encumbrances due and unclaimed for 21 years,⁶⁹ all written instruments which a married woman may execute without the joinder of her husband,⁷⁰ and agreements of separation of married couples.⁷¹

Certain orphans' court decrees must be placed on record by the recorder of deeds. These include elections to take under or against a will,⁷² elections to take real estate instead of a legacy or bequest,⁷³ decrees of the right of a surviving spouse to the real estate of an intestate who leaves no other heirs,⁷⁴ decrees of presumption of death,⁷⁵ and decrees confirming an appraisement of real estate and setting aside the property for the use of the widow and chil-

58. 1931 P.L. 48 No. 40.

59. 1901 P.L. 425 No. 233.

60. 1854 P.L. (1855) 724 sec. 1; 1885 P.L. 55; 1921 P.L. 1071 sec. 1 am. 1925 P.L. 102 rep. as to associations 1933 P.L. 457 No. 108 sec. 1302 and to incorporated institutions 1933 P.L. 624 sec. 1602.

61. 1847 P.L. 279 sec. 1.

62. 1850 P.L. 575 sec. 33.

63. 1828 P.L. 490 sec. 1; 1866 P.L. 1085 sec. 1.

64. 1871 P.L. 387.

65. 1907 P.L. 159 secs. 1, 2.

66. 1818, 7 Sm.L. 131 sec. 51 rep. 1901 P.L. 404 sec. 42 but reen. in secs. 3, 10. The act of 1901 was superseded by the Federal Bankruptcy Act 1898, 30 U.S. Stat. 544 ch. 541. Therefore the act of 1818 is still in effect. 1855 P.L. 415 sec. 1; 1857 P.L. 298 sec. 2; Hoover v. Ober, 43 Super. 308 (1909); Lavery v. Beatty, 28 Dist. 612 (1919).

67. 1854 P.L. 603 sec. 1.

68. 1872 P.L. 35 sec. 2.

69. 1895 P.L. 44 No. 30 sec. 1 rep. as to orphans' court proceedings 1917 P.L. 447 sec. 63.

70. 1897 P.L. 83 No. 63.

71. 1897 P.L. 212.

72. 1911 P.L. 79 rep. 1917 P.L. 403 sec. 27 but reen. in sec. 23(c) am. 1929 P.L. 648.

73. 1917 P.L. 447 sec. 32(a).

74. 1917 P.L. 429 sec. 17(b).

75. 1917 P.L. 447 sec. 6(f).

dren.⁷⁶ In addition, there may be recorded proceedings in orphans' court for the division of a piece of property among the devisees.⁷⁷

A number of records pertaining to the boroughs and townships of the county are kept in the recorder's office. He records applications and court decrees for the establishment of boroughs,⁷⁸ for the annulment of borough charters,⁷⁹ and for the changing of borough boundary lines.⁸⁰ Also on file are copies of municipal ordinances vacating streets and alleys,⁸¹ of plans for the construction of various public works in the townships,⁸² and of court decrees providing for the transfer of lands to or from the county.⁸³

In Adams County the various charters, agreements, contracts, orphans' court papers, and papers concerning boroughs and townships have been recorded in the Miscellaneous Docket since 1902. Any of these papers which had to be recorded prior to 1902 are found in the Deed Book. Special grantor and grantee indexes have been prepared which cover all of these records,⁸⁴ whether they are found in the Deed Book or in the Miscellaneous Docket.

The recorder must record several types of commissions, bonds, and oaths. He records the commissions of all officers who must be commissioned by the Governor before they may assume office.⁸⁵ These include the sheriff and coroner,⁸⁶ the prothonotary, clerk of courts, clerk of orphans' court, register of wills, and recorder of deeds,⁸⁷ and the justices of the peace.⁸⁸ Formerly, commissions of industrial policemen⁸⁹ and certificates of appointment of the county treasurer⁹⁰ were also recorded here. Since 1929 the recorder has

76. 1917 P.L. 447. sec. 12(k).

77. 1923 P.L. 846 sec. 6.

78. 1895 P.L. 389 No. 276 sec. 1 rep. 1915 P.L. 312 ch. XIII sec. 1(a) but reen. in sec. 4 rep. 1927 P.L. 519 sec. 3301 but reen. in sec. 204; 1903 P.L. 163 No. 120.

79. 1913 P.L. 910 rep. 1927 P.L. 519 sec. 3301; 1915 P.L. 312 ch. II art. V sec. 3 rep. 1927 P.L. 519 sec. 3301 but reen. in sec. 302.

80. 1907 P.L. 264 sec. 3 rep. 1915 P.L. 312 ch. XIII art. I sec. 1(c) but reen. in ch. III art. I rep. 1927 P.L. 519 sec. 3301 but reen. in secs. 406, 432.

81. 1907 P.L. 223 No. 171.

82. 1933 P.L. 103 sec. 1141; 1935 P.L. 1308.

83. 1915 P.L. 274 No. 170 sec. 6 sup. 1923 P.L. 1030 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 46.

84. 1827 P.L. 154 sec. 5; 1875 P.L. 32 sec. 1.

85. 1929 P.L. 1278 sec. 55.

86. Ibid., sec. 211.

87. 1839 P.L. 559 sec. 3.

88. 1839 P.L. 376 sec. 5 sup. 1887 P.L. 12 sec. 4.

89. 1929 P.L. 546 sec. 6 rep. 1935 P.L. 348.

90. 1811 P.L. 145 sec. 23 sup. 1834 P.L. 537 sec. 32 but rep. 1841 P.L. 400.

also had to place on record the deed of appointment of the sheriff's chief deputy.⁹¹ He records the oaths taken by the board of revision⁹² and railroad policemen.⁹³ The bonds on record in the office of the recorder of deeds include those of justices of the peace,⁹⁴ the sheriff and coroner,⁹⁵ and the county commissioners.⁹⁶ In addition there are the bonds given by the county treasurer⁹⁷ and the register of wills⁹⁸ as security for the paying over of State funds to the Commonwealth. The bonds of the former deputy surveyor are also recorded here.⁹⁹ All of these matters were recorded in the Deed Book until 1901 when a separate Commission Docket was established. A special index has been prepared for the commissions recorded in the Deed Book from 1874 until 1901.

The recorder must keep a record of all the fees received by him or by anyone employed in his office.¹⁰⁰ In Adams County the records of the recorder's fees which have been preserved are for two brief periods during the nineteenth century and for all the years since 1909.

The recorder of deeds is obliged to record all plans for subdivisions of land within the county.¹⁰¹ These have been placed in the Deed Book.

A number of other records are kept by this officer, some as a matter of convenience, and others as a result of statutory requirements. He has kept certain instruments which have been left for recording but were never claimed by their owners. The old record entitled Entry Book is a temporary recording of various instruments which were later recorded in the Deed Book. The recorder is supposed to keep warrantee tract maps of the county which were prepared under

91. 1929 P.L. 1278 sec. 187.

92. 1933 P.L. 853 sec. 501.

93. 1865 P.L. 225 sec. 3.

94. 1840 P.L. 294 sec. 4.

95. 1791, 3 Sm.L. 8 sec. 1; 1834 P.L. 537 sec. 68 rep. 1929 P.L. 1278 sec. 1051 but reen. as am. in sec. 182; 1939 P.L. 359 sec. 2.

96. 1929 P.L. 1278 sec. 102.

97. 1821 P.L. 244 sec. 6 rep. 1828 P.L. 498 sec. 3 but reen. in sec. 1 sup. 1834 P.L. 537 sec. 34 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 145.

98. 1830 P.L. 272 sec. 9; 1832 P.L. 135 sec. 1 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 1(b-2).

99. 1785, 2 Sm.L. 317 sec. 11 rep. by 1850 P.L. 434 sec. 5 which abolished this office.

100. 1868 P.L. 3 sec. 8 par. 7 am. 1901 P.L. 175. By the act of 1810 P.L. 79 sec. 1 these accounts had to be forwarded to the Auditor General. This act was sup. for counties of less than 150,000 population by 1874 P.L. 126 sec. 1 am. 1909 P.L. 77 further am. 1921 P.L. 69 further am. 1937 P.L. 2786.

101. 1893 P.L. 329 sec. 1; 1895 P.L. 124 sec. 1 am. 1899 P.L. 123; 1913 P.L. 565.

the direction of the Secretary of Internal Affairs.¹⁰² From 1883 until 1897 he kept a dental register which contained recorded copies of the diplomas and of the educational and professional records of the dentists who practiced in the county.¹⁰³ This book has not been preserved in Adams County. Every notary, at the close of his term of office, is supposed to deposit his register and any other public papers with the recorder of deeds who prepares certified copies of any parts of them for interested persons.¹⁰⁴ This practice is very seldom followed, however, and in Adams County, as in most counties, there are no notaries' registers in the recorder's office. The recorder has kept a record of the discharges of soldiers, sailors, and marines,¹⁰⁵ and a record of the receipt of such discharge papers sent in for recording since 1919. Unless otherwise stated, all records are found in the office vault.

Conveyances

53. DEED BOOK, 1799--. 149 vols. (2 series labeled by letters of alphabet; 53-149). Title varies: Record Book, 1799-1811, 4 vols.

Recorded copies of deeds, showing date of instrument, names of grantor and grantee, location and description of property, nature of instrument, amount of consideration, and date of recording. Record Book A, 1799-1802, also shows date of establishment of county and description of county. Also contains: Mortgage Book, 1800-1806, entry 59; Miscellaneous Docket, 1800-1901, entry 68; Commission Docket, 1800-1900, entry 71; Release Book, 1800-1882, entry 229. Arr. chron. by date of recording. Indexed alph. by first letter of surnames of grantee and grantor; for general indexes, see entries 54-57; for indexes to mortgages, 1800-1806, see entries 61, 63, 65; to miscellaneous instruments, 1800-1901, see entries 69, 70; to commissions, 1874-1900, see entry 72. Hdw. and typed. Aver. 625 pp. 18 x 12 x 3.

54. GRANTORS INDEX TO DEEDS, 1799--. 10 vols. (labeled by contained letters of alphabet). Title varies: General Index to Deeds Grantors, 1800-1937, 9 vols.

Index to Deed Book, entry 53, showing names of grantor and grantee, dates of instrument and recording, and vol. and p. reference. Arr. alph. by first letter of surname of grantor. Hdw. Aver. 400 pp. 17 x 14 x 2 $\frac{1}{2}$.

102. 1907 P.L. 621 No. 483 am. 1911 P.L. 277 further am. 1921 P.L. 63.

103. 1883 P.L. 129 secs. 1, 3 rep. 1897 P.L. 206 sec. 16.

104. 1791, 3 Sm.L. 6 sec. 6; 1846 P.L. 334 sec. 2.

105. 1868 P.L. 73 sec. 1 am. 1913 P.L. 81 further am. 1919 P.L. 364.

55. GRANTORS INDEX, 1799-1899. 2 vols. Title varies: Grantors General Index, 1799-1878, 1 vol.

Obsolete index to Deed Book, entry 53, showing information as in entry 54. Arr. alph. by first letter of surname of grantor. Hdw. Aver. 500 pp. 18 x 12 x 2 $\frac{1}{2}$. Bsmt. vlt. A.

56. GRANTEES INDEX TO DEEDS, 1799--. 10 vols. (labeled by contained letters of alphabet). Title varies: General Index to Deeds, 1799-1937, 9 vols.

Index to Deed Book, entry 53, showing names of grantee and grantor, dates of deed and recording, location of property, and vol. and p. reference. Arr. alph. by first letter of surname of grantee. Hdw. Aver. 400 pp. 17 x 14 x 2 $\frac{1}{2}$.

57. GRANTEES GENERAL INDEX, 1799-1899. 1 vol.

Obsolete index to Deed Book, entry 53, showing information as in entry 56. Arr. alph. by first letter of surname of grantee. Hdw. 600 pp. 19 x 13 x 3. Bsmt. vlt. A.

58. SHERIFFS DEED BOOK, 1905--. 3 vols. (A-C).

1893-1905 in Sheriffs Deed Book, entry 131.

Recorded copies of sheriffs deeds, showing court term and case no., names of former owner and purchaser, location and description of property, type of writ, date of sale, amount involved, and date of court acknowledgment. Arr. chron. by date of acknowledgment. Indexed alph. by first letter of surnames of grantor and grantee. Hdw. on ptd. fm. 1905-37; typed on ptd. fm. 1937--. Aver. 500 pp. 18 x 12 x 3.

Encumbrances

59. MORTGAGE BOOK, 1807--. 49 vols. (lettered).

1800-1806 in Deed Book, entry 53.

Recorded copies of mortgages, showing names and addresses of mortgagee and mortgagor; location and description of property; amount; and dates of recording. Arr. chron. by date recorded. Indexed alph. by first letter of surnames of mortgagee and mortgagor; for index, 1807-1936, see entry 62; 1937--, see entries 63 and 64. Hdw. and typed. Aver. 600 pp. 18 x 12 x 3.

60. (MORTGAGE BOOK), 1800. 1 vol.

Obsolete record of mortgages, showing information as in entry 59. Arr. chron. by date of recording. Indexed alph. by first letter of surnames of mortgagee and mortgagor. Hdw. 100 pp. 7 x 9 x 1. Bsmt. vlt. A.

61. GENERAL INDEX TO MORTGAGES, 1800-1936. 10 vols. (labeled by contained letters of alphabet).

Index to mortgages recorded in Deed Book, 1800-1806, entry 53, and to Mortgage Book, entry 59, showing names of parties, location of property, dates entered and satisfied, and vol. and p. reference. Arr. alph. by first letter of surnames of parties. Hdw. on ptd. fm. Aver. 180 pp. 17 x 15 x 2.

62. INDEX TO MORTGAGES (Mortgagor), 1937--. 2 vols. (labeled by contained letters of alphabet).

Index to mortgages recorded in Mortgage Book, entry 59, showing information as in entry 61. Arr. alph. by first letter of surname of mortgagor. Typed on ptd. fm. Aver. 118 pp. 18 x 15 x 3.

63. MORTGAGOR (Index), 1800-1905. 3 vols. Title varies: Mortgagor Index, 1807-85, 1 vol.

Obsolete index to Mortgage Book, entry 59, showing information as in entry 61. Arr. alph. by first letter of surname of mortgagor. Aver. 350 pp. 16 x 12 x 2.

64. INDEX TO MORTGAGES (Mortgagee), 1937--. 2 vols. (labeled by contained letters of alphabet).

Index to mortgages recorded in Mortgage Book, entry 59, showing information as in entry 61. Arr. alph. by first letter of surname of mortgagee. Typed on ptd. fm. Aver. 118 pp. 18 x 15 x 3.

65. MORTGAGEE (Index), 1800-1905. 3 vols. Title varies: Mortgagee Index, 1807-85, 1 vol.

Obsolete index to Mortgage Book, entry 59, showing information as in entry 61. Arr. alph. by first letter of surname of mortgagee. Hdw. on ptd. fm. Aver. 250 pp. 16 x 12 x 2.

66. CHATTEL MORTGAGE BOOK, 1933--. 2 vols. (1, 2).

Recorded copies of chattel mortgages issued under the Federal Farm Credit Act, showing date, names and addresses of mortgagor and mortgagee, location and description of chattels, terms and conditions, and dates recorded and satisfied. Arr. chron. by date recorded. Indexed alph. by first letter of surnames of mortgagor and mortgagee. Typed on ptd. fm. Aver. 550 pp. 18 x 12 x 3 3/4.

67. CROP LOAN COMMISSION, 1934--. 1 f.b.

Notices and discharges of Federal chattel mortgages, showing serial no., name and address of mortgagor, amount involved, dates of filing and satisfaction, and official signatures. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 4 3/4 x 14.

Contracts, Agreements, and Court Papers

68. MISCELLANEOUS DOCKET, 1902--. 13 vols. (A-M). 1800-1901 in Deed Book, entry 53.

Recorded copies of miscellaneous instruments, showing date and character of instrument, names of parties, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surnames of parties; for indexes, see entries 69, 70. Hdw. 1902-22; typed 1922--. Aver. 620 pp. 18 x 12 x 3 1/2.

69. MISCELLANEOUS INDEX GRANTOR, 1800--. 4 vols. (labeled by contained letters of alphabet).

Index to miscellaneous instruments recorded in Deed Book, entry 53, and Miscellaneous Docket, 1902--, entry 68, show-

ing names of parties, date and type of instrument, date recorded, and vol. and p. reference. Arr. alph. by first letter of surname of grantor. Hdw. on ptd. fm. Aver. 535 pp. 17 x 15 x 2½.

70. MISCELLANEOUS INDEX GRANTEE, 1800--. 4 vols.
(labeled by contained letters of alphabet).

Index to miscellaneous instruments recorded in Deed Book, entry 53, and Miscellaneous Docket, 1902--, entry 68, showing names of parties, date and type of instrument, date recorded, and vol. and p. reference. Arr. alph. by first letter of surname of grantee. Hdw. on ptd. fm. Aver. 535 pp. 17 x 15 x 2½.

Commissions, Oaths, and Bonds

71. COMMISSION DOCKET, 1901--. 4 vols. (A-D).
1800-1900 in Deed Book, entry 53.

Recorded copies of commissions, oaths, and bonds of aldermen, justices of the peace, notaries, and county officers, showing names and addresses of parties, date and nature of instrument, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surnames of parties. Hdw. and typed. Aver. 625 pp. 18 x 12 x 3.

For original bonds and oaths of public officials, see entries 81, 188-190, 203.

72. COMMISSION INDEX, 1874-1901. 1 vol.

Index to commissions recorded in Deed Book, entry 53, showing name of official, type of instrument, and vol. and p. reference. Arr. alph. by surname of official. Hdw. 200 pp. 14 x 9 x 1½.

Accounts

73. REGISTER AND RECORDER'S COUNTER BOOK, 1812-18,
1821-23, 1909--. 1½ vols. (5 vols. 1-5; 9 vols.
unlabeled). Title varies: Register Books, 1812-18,
1821-23, 3 vols.; Records, 1909-16, 4 vols.

Record of instruments deposited for recording and fees received, showing date, names of parties, character of instrument, and amount of fees received. Arr. chron. by date of entry. No index. Hdw. and hdw. on ptd. fm. Aver. 300 pp. 16½ x 12 x 2½. 3 vols., 1812-18, 1821-23, bsmt. vlt. A; 11 vols., 1909--, off. vlt.

74. RECORD (Recorder's Fee Book), 1932--. 2 vols.
Monthly record of fees received for services rendered, showing date; no., type, and description of instrument; names of parties; amount of fee; and total amount for month. Arr. chron. by date of receipt. No index. Hdw. Aver. 500 pp. 14 x 10 x 2.

Miscellaneous

75. ENTRY BOOK, 1800-1832. 4 vols. Discontinued.
Temporary recording of deeds and other instruments which are

later recorded in Deed Book, entry 53, showing date and character of instrument, name of parties, and date filed. Arr. chron. by date filed. Indexed alph. by first letter of surnames of parties. Hdw. Aver. 70 pp. 16 x 10 x 1 $\frac{1}{4}$. Bsm. vlt. A.

76. DEEDS, MORTGAGES, ETC., 1788-94, 1798-1801, 1806--.
2 ctns., 10 f.b.

Instruments left for recording and remaining unclaimed, showing no., names of parties, date and character of instrument, location and description of property, consideration, date recorded, official seals and signatures, and vol. and p. of recording. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. Ctn. 18 x 10 x 6; f.b. 10 x 4 x 14. 2 ctns., 1788-1894, bsm. vlt. A; 10 f.b., 1881--, off. vlt.

77. DEEDS AND MORTGAGES, 1851-54. 1 vol.

Preliminary entry book of deeds and mortgages left for recording, showing names of grantee, grantor, attorneys, notary public, and recorder; location and description of property, amount paid, and dates of transaction and recording. Arr. chron. by date of receipt. No index. Hdw. 40 pp. 12 x 7 $\frac{1}{2}$ x 3/4. Bsm. vlt. A.

78. SOLDIERS, SAILORS AND MARINES, 1863-68, 1919--.
2 vols. (dated). Title varies: Record of Soldiers Discharges, 1863-68, 1 vol.

Recorded copies of discharges, showing name, physical description, branch of service, dates and places of enlistment and discharge, and rank and service record of veteran; and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surname of veteran. Hdw. on ptd. fm. Aver. 730 pp. 17 x 14 x 3.

For other military records, see entries 34-45.

79. RECORD (Receipt of Soldiers' Discharges), 1919--.
1 vol. (1).

Record of soldiers' discharges sent in for recording, showing name and address of veteran, dates received and returned, receipt no., date recorded, and how delivered. Arr. chron. by date of receipt. No index. Hdw. 600 pp. 13 x 8 x 2.

III. PROTHONOTARY OF THE COURT OF COMMON PLEAS

Evolution and Structural Organization

When Adams County was created in 1800 the prothonotary had already become an important figure in Pennsylvania county government. James Duncan, the first prothonotary of Adams County, acted also as clerk of courts, register of wills, and recorder of deeds until 1821. In that year there was a separation of the office of prothonotary from the others and this separation has continued to date.¹

Under the provision of the Constitution of 1790 those officers whose manner of appointment was not otherwise described therein were to be appointed by the Governor. This practice was established for Adams County when it was created. Election replaced gubernatorial appointment in 1838 and the term of the prothonotary was fixed at 3 years.² An amendment to the Constitution of 1874, passed in 1909, extended the term to 4 years.³

The prothonotary must be an American citizen and resident of the county for at least a year before assuming office.⁴ He cannot practice as an attorney in the court of common pleas, nor can he, at the time of holding office, also be a justice of the peace.⁵ He cannot serve as treasurer while in office⁶ and ineligibility to the office of controller continues for 2 years after his term as prothonotary has expired.⁷

If the elected prothonotary dies before assuming office the Governor may appoint a successor who holds office until the first general election occurring no sooner than 3 months after the death of the elected prothonotary. If a vacancy occurs in any other manner a successor is elected at the first general election occurring no sooner than 3 months after such vacancy.⁸ Meanwhile the deputy prothonotary serves as prothonotary.

1. 1839 P.L. 559 sec. 1; 1929 P.L. 1278 secs. 221, 222; Pennsylvania Manual, 1939, p. 954.

2. Const. 1838, art. VI, sec. 3; 1839 P.L. 559 sec. 1.

3. Const., art. XIV, sec. 2 as am. 1909.

4. Const., art. XIV., sec. 3.

5. 1834 P.L. 333 sec. 75; 1874 P.L. 186 No. 120 sec. 4; 1929 P.L. 1278 sec. 223.

6. 1929 P.L. 1278 sec. 142.

7. 1895 P.L. 403 sec. 2; 1929 P.L. 1278 sec. 132.

8. 1839 P.L. 559 sec. 4; 1897 P.L. 4 sec. 1.

The prothonotary may appoint a first⁹ and second¹⁰ deputy who act in case of the death or resignation of their principal. The prothonotary must also detail as many clerks or deputies as are necessary to enable the judges properly to dispose of the business of the court.¹¹

Functions and Records

The Supreme Court of Pennsylvania has ruled that the prothonotary of the court of common pleas is merely the clerk of that court. As such it is his duty to keep records pertaining to all civil cases and establish dockets and books for the maintenance of such records.¹² The prothonotary must give bond and deliver his records to his successor. The amount of the bond is fixed by the Governor.¹³ The court of common pleas may inquire into the manner of performance of his official duties and into the solvency of his sureties.¹⁴

The duties of the prothonotary were first prescribed by act of Assembly in 1710.¹⁵ A statute of 1715 directed the prothonotary to draw up trial lists, and provided that all records and dockets, minutes and processes of the provincial courts, with the related files, were to be lodged with him.¹⁶ His duties were further defined by another statute of 1715 by which he was directed to enter in certain books the names of the plaintiffs and defendants in every writ issued, with the date, the debt or damages sued for, and the name of the justice signing each writ.¹⁷

Comprehensive legislation summarizing the powers of the prothonotary was passed in 1834.¹⁸ By virtue of this act he was given the following powers: To sign and affix the seal of the court of common pleas to all writs and processes, and to the exemplification of all records; to take bail in civil actions pending in this court; to enter judgments at the instance of plaintiffs, upon the confession of defendants; to sign all judgments; and to take acknowledgments of satisfactions of judgments or decrees entered on the record of the court. In the same year he was given custody of the seal and records of the court.¹⁹ In 1859 he was empowered to ad-

9. 1874 P.L. 43 No. 2 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 224.

10. 1897 P.L. 100 No. 83 sec. 1 am. 1917 P.L. 304 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 228.

11. 1875 P.L. 25 sec. 2.

12. F. M. Whitney v. James Hopkins, 135 Pa. 246 (1890).

13. 1834 P.L. 333 sec. 76; 1915 P.L. 198 No. 109 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 225.

14. 1846 P.L. 432 sec. 1.

15. 1710, II St. at L. 301 sec. 12.

16. 1715, III St. at L. 73.

17. 1715, III St. at L. 125.

18. 1834 P.L. 333 sec. 77.

19. Ibid., sec. 23.

minister oaths and affirmations in conducting the business of his office.²⁰

The most important record kept by the prothonotary is the judgment docket or index which was introduced by legislation in 1827.²¹ Upon the prothonotary is imposed the duty of copying into this docket every judgment or award of the court.

The written decisions of the court in trials without a jury must be filed in the office of the prothonotary who notifies the parties or their attorneys. If no exception is taken within a prescribed time after the service of such notice, the prothonotary may enter judgment.²²

The courts by rule or standing order may authorize the prothonotary to enter judgment upon praecipes for want of an appearance, for want of a declaration or plea, or for want of an affidavit of defense.²³

Upon application, the prothonotary may enter judgment on any bond, note, or other instrument containing a confession of judgment in favor of the holder.²⁴ But before the prothonotary enters judgment other than upon a verdict of the court, he must obtain a certificate signed by the plaintiff. Upon entry of such judgment he must file the certificate under the same number and term of court as shown on the docket. Within 1 month he must deliver to the county tax assessing authorities a written report of its entry setting forth the date, amount, number and term of court, and names and addresses of all parties.²⁵ Within 20 days after entering a judgment in favor of the Commonwealth, the prothonotary must report the same to the State Treasurer.²⁶

Liens of all judgments, recognizances, executions levied on real estate or of writs of scire facias to revive or have execution of judgments, must be indexed in the judgment docket in the county where the land is situated.²⁷ All writs of scire facias to revive or execute a judgment must also be indexed in the adsectum judgment docket.²⁸ Judg-

20. 1859 P.L. 194 sec. 1 rep. 1929 P.L. 1276 sec. 1051 but reen. in sec. 226.

21. 1827 P.L. 154 sec. 3; 1877 P.L. 34 sec. 1.

22. 1874 P.L. 109 sec. 2; 1935 P.L. 640 sec. 1.

23. 1889 P.L. 41 sec. 1; 1915 P.L. 483 sec. 17; 1929 P.L. 627 sec. 5; Rules of Court of Adams County, Rule 88b (typewritten manuscripts in office of prothonotary, Adams County courthouse), hereinafter cited as Rules of Court. For Adams County special legislation concerning judgments for want of an affidavit of defense, see 1868 P.L. 780.

24. 1806 P.L. 334, 4 Sm.L. 270 sec. 28.

25. 1929 P.L. 1804 sec. 1 am. 1937 P.L. 2325 No. 445 sec. 1.

26. 1811 P.L. 145, 5 Sm.L. 228 sec. 30.

27. 1856 P.L. 532 sec. 3.

28. 1879 P.L. 134 sec. 2.

ments compelling the assignment of mortgages must be certified to the recorder of deeds.²⁹

Although the prothonotary is the clerk of the county court of common pleas, he is required to enter upon dockets judgments of the District and Circuit Courts of the United States³⁰ and matters pertaining to the administration of decedents' estates.³¹

Much legislation has been passed bearing upon the duties of the prothonotary pertaining to the satisfaction of judgments. As early as 1791³² the legislature provided that the plaintiff in any judgment, having received satisfaction, must enter such satisfaction in the office of the prothonotary upon the defendant's request. Failing to comply with such request for a period of 90 days, he became liable to incur the penalties provided by the act.

An act of 1891³³ provides that where any judgment has been paid and fully satisfied, it is the duty of the prothonotary to enter the date of satisfaction in all books, dockets, and indexes where such judgment might be entered. To the same effect is the act of 1864³⁴ which provides that where there has been satisfaction of a judgment by virtue of an execution, it is the duty of the court to direct the prothonotary to enter satisfaction upon the record. Formerly, before such an order of the court could be issued, three preliminary steps were necessary. First, there had to be an application by the defendant; second, a rule to show cause why the judgment should not be marked "Satisfied" had to be granted; and third, the prothonotary had to be directed to mark the entry "Satisfied."³⁵

In cases where judgment has been entered and obtained and proceedings to open or annul the same are pending and are not disposed of, the defendant may pay into court the amount of the judgment. It is then the duty of the prothonotary to mark on the Judgment Docket "Lien Discharged."³⁶

The prothonotary must furnish the recorder of deeds with a memorandum of suit brought upon any mortgage or recognizance of record.³⁷ Whenever such mortgage or recognizance has been marked "Satisfied" the prothonotary upon request of the defendant must furnish a certificate of the en-

29. 1903 P.L. 327 sec. 1.

30. 1895 P.L. 247 sec. 1; 1929 P.L. 1805 sec. 1.

31. 1917 P.L. 363 sec. 18(b-5, e-1); 1917 P.L. 447 secs. 15(a, b, d), 18(c), 51(a, b); 1919 P.L. 104 sec. 1.

32. 1791, 3 S.M.L. 32 sec. 14.

33. 1891 P.L. 244 sec. 1.

34. 1864 P.L. 52 sec. 1.

35. 1876 P.L. 7 sec. 1.

36. 1873 P.L. 331 sec. 4; 1909 P.L. 103 sec. 1.

37. 1860 P.L. 630 sec. 1.

try of satisfaction.³⁸

As clerk of the court of common pleas the prothonotary has been provided with records relating to actions of ejectment.³⁹ Without motion to the court the prothonotary has the power to issue writs of estrempment to prevent waste in any case where an action of ejectment is pending.⁴⁰ In actions to establish mechanics' liens the prothonotary also has duties relating to the keeping of records and whenever security is required in such cases it may be approved by the prothonotary subject to an appeal to the court of common pleas.⁴¹

In the preparation of trial lists for civil cases in the court of common pleas it is the prothonotary's duty to place all claims for wages of labor first on the list.⁴²

One of the duties of the prothonotary is to choose arbitrators in compulsory arbitration proceedings. However, he may delegate this duty to another person as the court considers this a ministerial rather than a judicial function.⁴³ The prothonotary must enter awards of the arbitrators in a docket.⁴⁴ When no appeal from an arbitrator's award has been entered within the prescribed time limit, it is the prothonotary's duty, at the request of the party in whose favor the award was made, to issue execution to carry the judgment into effect.⁴⁵ Upon application of either party the prothonotary must enter a rule to take the depositions of aged or infirm witnesses or of those leaving the jurisdiction of the court before the date of trial.⁴⁶

In all civil cases the parties may, by written agreement, submit the case to the decision of any person admitted to practice law before the Supreme Court of Pennsylvania and the prothonotary notifies the person selected as referee.⁴⁷

Upon the application of any persons wishing to become parties to an amicable suit the prothonotary must enter the application without the agency of an attorney, and upon the filing by the defendant of a written confession of the amount due to the plaintiff, he must enter judgment.⁴⁸ Parties to an amicable action may present a written agreement to the

38. 1860 P.L. 630.

39. 1806 P.L. 558, 4 Sm.L. 326 sec. 12; 1856 P.L. 532 sec. 2.

40. 1803 P.L. 623, 4 Sm.L. 88 sec. 2.

41. 1901 P.L. 431 sec. 50.

42. 1877 P.L. 13 sec. 1. The duty of the prothonotary to draw up trial lists is usually imposed upon him by rule of court.

43. Reading Trust Company v. Mattes (appellant), 250 Pa. 414 (1915).

44. 1836 P.L. 715 secs. 20, 23.

45. Ibid., sec. 34.

46. Ibid., sec. 47.

47. 1874 P.L. 166 secs. 1, 2.

48. 1806 P.L. 558, 4 Sm.L. 326 sec. 8.

prothonotary who files and enters it on his docket. From the moment such entry is made, the action is deemed to be pending in the same manner as if the defendant had appeared in answer to a summons issued against him by the prothonotary.⁴⁹

In workmen's compensation cases erroneously brought in the court of common pleas instead of before the Workmen's Compensation Board, the prothonotary, upon request of either of the parties certifies the case including all the proceedings held before the court, to the Board.⁵⁰ All workmen's compensation papers are filed with the prothonotary who is required to enter judgment pursuant to compensation agreements or awards and modifies or satisfies them according to subsequent agreements and awards.⁵¹

Upon filing of the notice of an appeal from the Workmen's Compensation Board to the court of common pleas, the prothonotary issues a writ of certiorari to the Board, commanding it to certify to the court its entire record in the matter within 10 days after service. The writ, together with a copy of the exceptions, is mailed by the prothonotary to the Bureau of Workmen's Compensation at Harrisburg.⁵² As soon as judgment is rendered on the appeal, the prothonotary sends to the Board a certificate of the judgment with a copy of any opinion filed in the case, and within 5 days, he must give notice of the judgment by registered mail to all parties.⁵³ The prothonotary must make a monthly report to the Board of the disposition of all appeals taken to the court of common pleas.⁵⁴

At the expiration of the period allowed for an appeal from the judgment of the common pleas court, the record of the Board is remitted to it by the prothonotary unless an appeal has been taken. If such appeal is taken, the record is remitted to the Board by the prothonotary on its return from the appellate court.⁵⁵

In 1933 the prothonotary's duties in respect to associations were taken away and reenacted only in reference to nonprofit corporations.⁵⁶ The duties relating to all other

49. 1836 P.L. 568 sec. 40.

50. 1919 P.L. 764 sec. 1; 1921 P.L. 910 sec. 1.

51. 1915 P.L. 736 sec. 428; 1919 P.L. 642 sec. 6.

52. 1915 P.L. 736 sec. 427; 1919 P.L. 642 sec. 6.

53. 1915 P.L. 736 sec. 427; 1919 P.L. 642 sec. 6; 1931 P.L. 598 sec. 1.

54. 1915 P.L. 736 sec. 432; 1915 P.L. 736 sec. 433 supp. 1939 P.L. 565; 1919 P.L. 642 sec. 6 as reen. and am. 1937 P.L. 1552 sec. 1 further reen. and am. 1939 P.L. 520 sec. 1.

55. 1915 P.L. 736 sec. 427; 1919 P.L. 642 sec. 6.

56. 1856 P.L. 293 am. 1925 P.L. 403 sec. 1 rep. insofar as it relates to nonprofit corporations 1933 P.L. 289 sec. 1102; to business corporations 1933 P.L. 364 sec. 1202; to associations 1933 P.L. 547 No. 108 sec. 1302; and to incorporated institutions 1933 P.L. 624 sec. 1602.

associations were taken over by the Secretary of the Commonwealth. The prothonotary must make a monthly return to the Department of State of the incorporation of each nonprofit corporation and issue a certified copy thereof to the incorporators.⁵⁷

The prothonotary must make a monthly report to the Department of State which includes the old and new name and address of the registered office of every nonprofit corporation which changed its name during the preceding month.⁵⁸ This report includes the names and registered offices of the constituent corporations involved in merger, consolidation⁵⁹, or dissolution⁶⁰ proceedings consummated during the preceding month.

When the committee appointed to care for the estate of a lunatic or habitual drunkard sells or mortgages real estate and is incapable of executing a deed or mortgage, the court may direct the prothonotary to do so upon petition of the purchaser or mortgagee.⁶¹ Like proceedings may be instituted if any committee neglects or refuses to execute any deed of sale or mortgage.⁶² Also when a lunatic is imprisoned in a civil action, it is the duty of the prothonotary to make this fact known to the court, which hears objections to the discharge of such prisoner. The prothonotary inserts a notice in a newspaper, and also notifies creditors of the hearing.⁶³

The prothonotary's duties are extended to cases involving insolvency and assignments for the benefit of creditors in which matters he must give public notice of the filing of schedules of distribution.⁶⁴

In all suits commenced by attachment against fraudulent debtors a bond in favor of the Commonwealth must be approved by the prothonotary before the attachment will be issued.⁶⁵ Upon return of the writ in proceedings in domestic attachment against fraudulent debtors, three men, not creditors,

57. 1933 P.L. 289 sec. 208.

58. Ibid., sec. 709.

59. Ibid., sec. 810.

60. Ibid., sec. 1001.

61. 1836 P.L. 589 sec. 32.

62. Ibid., sec. 33.

63. Ibid., sec. 50.

64. 1836 P.L. 628 secs. 6, 15, 26, 30; 1883 P.L. 73 sec. 1 rep. 1901 P.L. 404 sec. 42 suspended by the Federal Bankruptcy Act 1898, 30 U. S. Stat. 544 ch. 541; see: Lavery v. Beatty, 28 Dist. 612 (1919); Hoover v. Ober, 42 Super. 308 (1909). In the days when arrest for debt was permissible the prothonotary had the power to discharge insolvent debtors. See 1820 P.L. 155; 1833 P.L. 107 sec. 1.

65. 1869 P.L. 8 sec. 1; 1887 P.L. 197 sec. 1; 1878 P.L. 147 No. 185 sec. 1.

are appointed trustees of the estate of the defendant.⁶⁶ Before making distribution of the proceeds of the estate, the trustees having ascertained the proportionate sum payable to each creditor, the prothonotary gives public notice of the filing of their reports.⁶⁷

The prothonotary may assess damages in foreign attachment proceedings where the plaintiff has entered a rule for the same.⁶⁸ Formerly, it was necessary to publish such rule with a statement of claim.⁶⁹ In all cases of judgments where the damages are certain or may be rendered so by calculation the prothonotary may calculate and fix the real amount.⁷⁰

There are certain matters relating to the collection of taxes which come within the scope of the prothonotary's duties. In the determination of these duties which concern the keeping of records, careful distinctions must be made between tax liens and municipal claims for special assessments.⁷¹

For many years before the passage of the Election Code of 1937 the prothonotary had duties connected with elections. Duplicate returns of all votes given for judges of the Supreme Court had to be made by him, one of which he mailed to the Secretary of the Commonwealth.⁷² From 1921 to 1937, this was done either by the prothonotary or the county commissioners.⁷³ Judges of elections delivered returns of elections to the prothonotary,⁷⁴ who sent a certified copy to the return judges.⁷⁵ He also forwarded a copy to the Secretary of the Commonwealth and sent the returns of the elections of all county and township officers to the court of quarter sessions.⁷⁶

Return judges had to deposit returns with the prothonotary, who sent a certified copy to the Secretary of the Com-

66. 1836 P.L. 606 sec. 13.

67. Ibid., secs. 31, 32.

68. 1870 P.L. 60 sec. 1.

69. 1855 P.L. 532 rep. 1870 P.L. 60 sec. 1.

70. Rules of Court, Rule 79.

71. 1893 P.L. 453 sec. 3 rep. as to third-class cities 1931 P.L. 932 sec. 4701; 1899 P.L. 120 sec. 1; 1923 P.L. 207 secs. 9, 26; 1927 P.L. 729 sec. 2; 1927 P.L. 733 sec. 3; 1929 P.L. 1215 secs. 1, 3; 1937 P.L. 2609 sec. 9; 1939 P.L. 351 secs. 1, 2; 1939 P.L. 641 sec. 3.

72. 1874 P.L. 54 sec. 5 rep. 1937 P.L. 1333 sec. 1901.

73. 1921 P.L. 423 sec. 3 rep. 1937 P.L. 1333 sec. 1901.

74. 1874 P.L. 31 sec. 13; 1899 P.L. 127 sec. 1; 1909 P.L. 425 sec. 1; 1919 P.L. 458 sec. 2; 1923 P.L. 267 sec. 1; 1925 P.L. 103 sec. 1 rep. 1937 P.L. 1333 sec. 1901.

75. 1864 P.L. 990 secs. 17, 18 rep. 1937 P.L. 1333 sec. 1901.

76. 1839 P.L. 519 sec. 84 rep. 1937 P.L. 1333 sec. 1901.

monwealth, and another copy to the elected officials.⁷⁷ He also gave to anyone requesting it, a certified list of voters, and other papers deposited in his office by the judges of elections.⁷⁸ In 1937 these duties were all assumed by the county board of elections except insofar as the court of common pleas has jurisdiction over contested elections.⁷⁹

With the exception of a short period of time in early Pennsylvania history equity jurisdiction has been confined to the court of common pleas and the prothonotary must therefore perform many general duties pertaining to matters in equity.⁸⁰

Prior to 1906 the courts of common pleas and quarter sessions and oyer and terminer had jurisdiction over the naturalization of aliens by virtue of the first uniform naturalization law passed by Congress in 1790.⁸¹ The comprehensive naturalization law of 1906 which provided for uniform processes and records for the nation gave exclusive jurisdiction over the naturalization of aliens to the following courts: United States District Courts in the states and territories, the Supreme Court, and also all courts of record in any state or territory having a seal, a clerk, and jurisdiction in actions at law and equity in which the amount in controversy is unlimited.⁸² The court of common pleas has therefore continued to exercise this jurisdiction to some degree in most counties and the scope of the prothonotary's duties are enlarged to this extent.

The prothonotary has definite duties related to the selection and summoning of jurors. All jury fees must be paid to the prothonotary who in turn places the money into the hands of the county treasurer.⁸³ Names of attending, defaulting, and excused jurors must be certified by the prothonotary.⁸⁴ If a special view is allowed in any case, the prothonotary must issue a special writ of venire containing the names of the jurors.⁸⁵

77. 1839 P.L. 559 sec. 3; 1850 P.L. 654 sec. 2; 1919 P.L. 458 sec. 2 rep. 1937 P.L. 1333 sec. 1901.

78. 1839 P.L. 519 sec. 85 rep. 1937 P.L. 1333 sec. 1901.

79. 1937 P.L. 1333 secs. 1774, 1776.

80. See Discussion of equity in chapter on Governmental Organization and Records System, supra.

81. 1790, 1 U. S. Stat. 103, ch. 3.

82. 1906, 34 U. S. Stat. 596 ch. 3592 sec. 3; 1911, 36 U. S. Stat. 1167 ch. 231 sec. 289; 1913, 37 U. S. Stat. 737 ch. 141 sec. 3.

83. 1805 P.L. 183, 4 Sm.L. 237 sec. 13; 1913 P.L. 226 sec. 1. The act of 1915 P.L. 54 sec. 5 rep. the act of 1805 P.L. 183 but did not repeal the amending act of 1913 P.L. 226. The act of 1805 expired by its own limitation but was afterwards revived and made perpetual by the act of 1809 P.L. 163, 5 Sm.L. 59.

84. 1834 P.L. 333 sec. 128.

85. Ibid., sec. 124.

Insofar as courts of magistrates and justices of the peace are concerned, the prothonotary takes the place of the clerical officer of that court. Acceptances of office of aldermen or justices of the peace are certified by the prothonotary to the Secretary of the Commonwealth.⁸⁶

The prothonotary is entitled to administer an oath or affirmation required in the issuing of writs of certiorari to remove any case tried before justices of the peace.⁸⁷ Transcripts of judgments obtained before justices of the peace may be certified by the prothonotary to other counties.⁸⁸

The prothonotary also has certain duties in respect to appeals from the court of common pleas to the higher courts. In response to a writ of certiorari from an upper court, it is his duty to prepare and forward to the appellate court the record in the case duly certified by the judge of the lower court.⁸⁹

Under the act of 1897, the prothonotary fixed the amount of the bond to be posted on appeal. However, in 1909 this practice was changed and the amount of bond was fixed at double the amount of the judgment or decree with security to be approved by the lower court.⁹⁰ After acknowledgment, and pending delivery, sheriff's or coroner's deeds remain in the custody of the prothonotary as a public record⁹¹ and at the proper time the prothonotary delivers them to the sheriff or coroner.⁹² On the expiration of his term, the prothonotary must deposit with his successor all the above deeds delivered to him during his term, which have not been called for by the parties entitled to them.⁹³ The prothonotary must keep general accounts of the business of his office.⁹⁴ According to a rule of court for Adams County costs are taxed by the prothonotary.⁹⁵ All costs collected by him and not paid out to the parties entitled to them are turned over to his successor.⁹⁶ Upon receiving money the prothonotary for several years credited it to the parties entitled to it and at the beginning of each quarter, posted in his office a no-

86. 1877 P.L. 12 sec. 4; 1915 P.L. 142 sec. 1.

87. 1817 P.L. 31, 6 Sm.L. 398 sec. 1. Since 1895 the same result may be achieved by filing a praecipe, recognizance, and affidavit taken before the justice of the peace, in the prothonotary's office, 1895 P.L. 100 sec. 1.

88. 1810 P.L. 208, 5 Sm.L. 161 sec. 17.

89. 1897 P.L. 67 secs. 2, 5.

90. 1909 P.L. 108 sec. 1.

91. 1905 P.L. 265 sec. 3.

92. *Ibid.*, sec. 4.

93. 1862 P.L. 125 sec. 1.

94. 1913 P.L. 188 sec. 1.

95. Rules of Court, Rule 57.

96. *Ibid.*, sec. 2.

tice showing the amount due each person.⁹⁷

The prothonotary must keep an account of all fees received by him or any person employed in his office, which account is examined by the controller or auditors from time to time.⁹⁸

The prothonotary is authorized to act as agent of the Commonwealth to collect taxes on writs and other legal documents. He must make a return to the Department of Revenue, and pay the money collected to the State Treasurer.⁹⁹ He must also make monthly returns to the Department of Revenue and pay to the State Treasurer all money received for the use of the Commonwealth.¹⁰⁰

The prothonotary must make a report to the Department of Revenue of all estates and effects which have been paid into and deposited with the court of common pleas if the whereabouts of the rightful owners have been unknown for 7 years.¹⁰¹ A copy of the prothonotary's daily record of every instrument filed in his office securing a debt¹⁰² must be transmitted by him monthly to the Department of Revenue,¹⁰³ and the commissioners' office or the board of revision of taxes.¹⁰⁴

There are numerous laws which minutely indicate the duties of the prothonotary in particular types of proceedings that come before the court of common pleas. In all these cases the prothonotary has some share of work primarily related to seeing that proper records are made and preserved.¹⁰⁵ Limitation of space makes it impossible to outline each of these procedures here. Among his miscellaneous duties are the following: He must keep for public inspection advance copies of laws enacted at each session of the General Assembly;¹⁰⁶ when reports of viewers in condemnation proceedings are filed, he marks them confirmed nisi, and then if no

97. 1913 P.L. 567 sec. 1 rep. 1929 P.L. 1278 sec. 1051.

98. 1868 P.L. 3 sec. 8; 1874 P.L. 125 sec. 1; 1901 P.L. 175 sec. 1; 1909 P.L. 77 sec. 1; 1921 P.L. 69 sec. 1. By the act of 1810, 5 S.M.L. 105 these accounts had to be forwarded to the Auditor General. This act was rep. as to counties with a population of 150,000 or over, 1876 P.L. 13 sec. 1 and as to counties of less than 150,000, 1874 P.L. 125 sec. 1.

99. 1830 P.L. 272 sec. 1; 1929 P.L. 343 sec. 611.

100. 1830 P.L. 272 sec. 7; 1893 P.L. 125 sec. 1.

101. 1929 P.L. 343 sec. 1305; 1935 P.L. 190 sec. 1.

102. A special act for Adams County requires that all written instruments securing debts and on which action is brought must be filed with the prothonotary, 1868 P.L. 780 sec. 1.

103. 1935 P.L. 414 sec. 11.

104. 1913 P.L. 507 sec. 8.

105. See entries 80-185.

106. 1893 P.L. 102 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 230.

exceptions are filed within 30 days he enters a decree of absolute confirmation;¹⁰⁷ he issues peddlers' licenses to disabled veterans without cost.¹⁰⁸

When a writ of replevin is served, the sheriff must certify to the prothonotary the name of the person in whose possession the goods are found, if such person is not the defendant.¹⁰⁹ Parties to actions in replevin, and foreign and domestic attachments, may, instead of posting bonds, deposit the amount of the bonds in United States currency with the prothonotary who deposits these funds in an approved bank to be paid out upon order of the court.¹¹⁰

It is the duty of the officer taking bond on writs of capias ad respondentum to make return of them together with the writ itself to the office of the prothonotary.¹¹¹ In issuing a capias ad respondentum the prothonotary must endorse thereon the amount of bail required by the plaintiff.¹¹²

The recorder of deeds forwards the date, amount, and place of record of the recognizance of each sheriff or coroner, together with his name and address to the prothonotary, who must enter this information upon his dockets.¹¹³

The prothonotary has definite duties relating to the keeping of records of conditional sales contracts and divorce proceedings.¹¹⁴ If the owner or occupier of land condemned in partition proceedings refuses to surrender possession, proof of service of notice to move is filed with the prothonotary who issues a writ of habere facias possessionem directing the sheriff to take possession.¹¹⁵ The prothonotary must endorse his certificate on treasurer's deeds for lands sold by county treasurers for nonpayment of taxes.¹¹⁶ Trustees inter vivos must give bond before assuming their duties and upon order of court the prothonotary cancels these bonds.¹¹⁷

Whenever the court orders a change of venue in a civil case the prothonotary must forward certified copies of all docket entries, pleadings, processes, depositions, and other papers pertaining to the cause, to the prothonotary of the

107. 1891 P.L. 75 sec. 6; 1903 P.L. 124 sec. 2.

108. 1867 P.L. 50 sec. 1; 1891 P.L. 250 sec. 1; 1921 P.L. 895 sec. 1; 1935 P.L. 126 sec. 1; 1937 P.L. 1191 No. 305 sec. 1.

109. 1901 P.L. 88 sec. 2; 1923 P.L. 136 No. 103 sec. 1.

110. 1909 P.L. 115 sec. 1.

111. 1836 P.L. 658 sec. 12.

112. Ibid., sec. 28.

113. 1939 P.L. 359 sec. 3.

114. See entries 93-96, 108.

115. 1907 P.L. 461 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 517.

116. 1911 P.L. 257 sec. 1.

117. 1831 P.L. 192 sec. 4.

county to which the case has been removed.¹¹⁸ The prothonotary must certify to the county commissioners the attendance of constables at court so that the commissioners may pay them.¹¹⁹

Whenever a special court is deemed necessary, the president judge must notify the prothonotary, whose duty it then is to make and forward trial lists of the cases to be tried, to the president judge.¹²⁰

In 1864 the¹²¹ prothonotary was directed to receive a descriptive list of all unpatented lands made out by the Surveyor General. Four years later he was permitted to receive in lieu of these lists "land lien dockets" containing lists of all patented and unpatented lands upon which there is money due the Commonwealth and surveys have been returned.¹²² The Secretary of Internal Affairs took over the duties of the Surveyor General in 1874¹²³ and he was directed to forward to the prothonotary a certified statement of the cancellation of any such liens.¹²⁴

The prothonotary must copy and transcribe any books or papers of record in his office, whenever it becomes necessary to do so to prevent their becoming illegible. The work of copying and transcribing is done in his office, and the copies are certified when completed.¹²⁵ He must save the originals of such copies.¹²⁶ He must keep at least two indexes for every book of record.¹²⁷ The prothonotary may not permit anyone to borrow any of these records unless they have been on file for at least 2 days. They may be borrowed for a period not exceeding 5 days and in all instances he must take a receipt from the borrower.¹²⁸

A study of the prothonotary's records will reveal the fact that many records are kept without specific statutory requirement. They are maintained as a matter of convenience in the course of the performance of the prothonotary's duties. On the other hand the duties which have been outlined in the preceding pages sometimes are not clearly revealed in the records which actually are kept. Often this is because the legislation prescribing the duty only implies the necessity for the keeping of a particular type of record. Court rules usually provide the authority for records not required

118. 1875 P.L. 35 sec. 4.

119. 1814 P.L. 28 sec. 2.

120. 1834 P.L. 333 sec. 39; 1840 P.L. 153 sec. 1.

121. 1864 P.L. 914 secs. 1, 3, 4.

122. 1868 P.L. 60 sec. 1; 1872 P.L. 51 sec. 3.

123. Const., art. IV, sec. 19; 1874 P.L. 135 sec. 4.

124. 1911 P.L. 106 sec. 2.

125. 1921 P.L. 938 sec. 1.

126. Ibid., sec. 3.

127. 1827 P.L. 154 sec. 5.

128. Rules of Court, Rule 156.

by statute in most counties but in Adams County there are no published rules, those specially adopted being referred to for individual use when needed.

The minutes of the court of common pleas have been kept by the Adams County prothonotary in the Minute Book since 1847. Before that time they were included in the Appearance Docket. An act of 1715, by implication, imposed this duty on the office of prothonotary and it has been carried out as a matter of practice and convenience by most prothonotaries ever since then.¹²⁹ A rule of court for Adams County requires that all motions made by counsel shall be in writing and delivered to the prothonotary to be entered on the minutes and filed. The time of delivery must be endorsed by the prothonotary.¹³⁰ The oaths of county officers are kept as a result of both statutory and constitutional authorization.¹³¹ Bonds of county officers are kept with these oaths in Adams County. Since 1929 these records may be found to include oaths of the chief of city bureaus of inspection, engineers, and inspectors,¹³² and court stenographers.¹³³ Some of the oaths may be found in Miscellaneous Petitions. In Adams County the prothonotary continues to keep a file of officials' bonds although this duty was assigned to the commissioners in 1929.

The trial and argument lists are kept as a result of court rules and statutory specification¹³⁴ as is the Judgment Docket Index.¹³⁵ The latter is an index to all judgments recorded in the Appearance Docket. This record of judgments constitutes a judgment docket within the confines of the Appearance Docket and in it the prothonotary must record every judgment or award of the court. An act of 1834 provides that in the case of sale of real estate by the sheriff, and in appropriation of the money by the court, it is the duty of the prothonotary to note on each judgment or lien the amount paid by such appropriation, with a reference thereto.¹³⁶ In all cases where the amount due on a judgment of record has been paid to the legal holders and the instrument on which the judgment is procured is produced to the prothonotary, he must mark the record of such lien "Satisfied," file these instruments, together with the certificates allowing such satisfaction.¹³⁷ These instruments will be found in the Common Pleas Files. The prothonotary must enter upon the judgment docket verdicts for any specific sum

129. 1715, III St. at L. 73.

130. Rules of Court, Rule 141.

131. Const., art. VII, sec. 1; 1929 P.L. 1278 sec. 53.

132. 1929 P.L. 106 sec. 203.

133. 1876 P.L. 410; 1907 P.L. 135 sec. 1.

134. 1715, III St. at L. 73. Rules of Court, Rules 4, 6, 6A and

129, 134, 137, 138 and Rule VI specially adopted October 16, 1876.

135. 1827 P.L. 154 sec. 3; 1877 P.L. 34 sec. 1.

136. 1834 P.L. 537 sec. 77.

137. 1856 P.L. 304 sec. 1.

of money, mark them "Verdict" and specify the amount and date of rendition.¹³⁸ The prothonotary receives from the recorder of deeds certification of recognizances of sheriffs and coroners filed upon assumption of their duties and he must enter the names of the parties to such recognizances upon the Judgment Docket.¹³⁹ He must also enter in the Judgment Docket judgments compelling the assignment of mortgages;¹⁴⁰ proceedings in lunacy and habitual drunkenness, petitions to declare void any instrument conveying title to real estate, and any proceeding by which purchasers of real estate would be deemed to have had constructive notice of commencement;¹⁴¹ descriptions of property attached by the sheriff in foreign attachment proceedings with the date of execution;¹⁴² certificates from the board of county commissioners to the effect that collectors of county taxes are subject to liability for discrepancies in their accounts;¹⁴³ the date, amount, and place of record of the recognizance of each sheriff or coroner together with his name and address;¹⁴⁴ judgments of the District and Circuit Courts of the United States;¹⁴⁵ specifications of contracts for labor and materials containing special provisions as to time and manner of payments;¹⁴⁶ writs of scire facias on mechanics' liens in the same manner as writs of scire facias already entered;¹⁴⁷ and transcripts of judgments obtained before justices of the peace.¹⁴⁸ Upon entry of an appeal bond and the perfection of any appeal the judgment ceases to be a lien against the real estate of the defendant and it is the duty of the prothonotary to mark upon the judgment docket "Appeal Perfected; Lien Discharged."¹⁴⁹ Also entered upon this record are many matters pertaining to the administration of decedents' estates. No instrument which is not payable within 1 year after the death of a decedent may remain a lien on his real estate unless a copy is filed with the prothonotary of the county where the real estate is situated. This lien must be indexed by the prothonotary against the decedent and the executor or administrator in the Judgment Docket or Index; also upon certification by the clerk of orphans' court, the

138. 1877 P.L. 34 sec. 1.

139. 1834 P.L. 537 sec. 74 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 212.

140. 1905 P.L. 327 sec. 1.

141. 1871 P.L. 387 sec. 1 rep. as to proceedings to revive and continue liens of debts against a decedent's real estate, 1917 P.L. 447 sec. 63.

142. 1836 P.L. 586 sec. 51.

143. 1937 P.L. 2780 sec. 1.

144. 1939 P.L. 359 sec. 3.

145. 1895 P.L. 247 sec. 1; 1929 P.L. 1805 sec. 1.

146. 1901 P.L. 431 sec. 18.

147. 1895 P.L. 84 sec. 1 rep. 1901 P.L. 431 sec. 61 but reen. in sec. 43.

148. 1804, XVII St. at L. 782 sec. 5; 1810 P.L. 208, 5 Sm.L. 161 sec. 10; 1844 P.L. 564 sec. 8; 1885 P.L. 160 sec. 1.

149. 1909 P.L. 108 sec. 1.

prothonotary must enter upon the Judgment Docket or Index petitions for the specific performance of the sale of real estate. When an action is brought or statement filed, upon praecipe, against the estate of a decedent, it is the duty of the prothonotary to index the same against the decedent, his executor or administrator, and any other defendants, in the Judgment Index. Upon request, the prothonotary must furnish a copy of the praecipe, which when duly certified under the seal of the court, may be filed in any other county in which the real estate against the claim is to be charged is situated. When so filed, the claim is indexed against the parties named. When the orphans' court issues definitive orders to pay certain sums of money upon parties other than fiduciaries the prothonotary must file and docket certified transcripts of these orders which remain a lien on the real estate until satisfied. He must also file and docket certified transcripts of the orphans' court, showing the amount appearing to be due from or in the hands of any fiduciary on the settlement of his accounts in the orphans' court or by virtue of a decree of that court. These transcripts, when filed, constitute a judgment. If the decree is appealed from the orphans' court the amount found by such appellate court to be due is recorded in the same way and with like effect. When satisfied, it must be so marked. Writs of sequestration issuing out of orphans' court must be marked "Satisfied" if the orphans' court dissolves the writ.¹⁵⁰

The Adsectum Judgment Index which in Adams County was begun in 1916 followed a statutory requirement for the keeping of an alphabetical list of the names of all judgment creditors and assignees.¹⁵¹ This is kept separate from the other judgment records and indexes to simplify matters relating to judgments. An act of 1878 required the prothonotary to keep a separate record of those judgments, once procured which have since been assigned.¹⁵² In Adams County such a record may be found to date 1876-94.

The Common Pleas Files which date from the erection of the county constitute a residuum of many different kinds of paper such as judgments and decrees of the Federal Courts for the purpose of establishing liens against the real estate in the county;¹⁵³ sheriff's inquisitions and all orders of the court of common pleas in relation to partitions and

150. 1917 P.L. 363 sec. 18(b-5, e-1); 1917 P.L. 447 secs. 15(a, b, d), 18(c), 51(a, b); 1919 P.L. 104 sec. 1.

151. 1915 P.L. 614 sec. 1. Although the title Adsectum Judgment Index is used in legislation to refer to a brief Judgment Docket it is very confusing since it conflicts with the commonly used phrase Judgment Docket Index, Adsectum. The latter is the title often used for the index to the Judgment Docket which should be distinguished from the so called Adsectum Judgment Index.

152. 1878 P.L. 138 sec. 1.

153. 1895 P.L. 247 sec. 1; 1929 P.L. 1805 sec. 1.

common recoveries,¹⁵⁴ accounts of trustees *inter vivos*¹⁵⁵ and of guardians of feeble-minded persons;¹⁵⁶ descriptions of land disputed in ejectment proceedings;¹⁵⁷ motions for new trial and in arrest of judgment;¹⁵⁸ statements of claims, affidavits of defense, and other pleadings in action of assumpsit;¹⁵⁹ interrogatories and answers thereto,¹⁶⁰ notes of testimony;¹⁶¹ agreements of attorneys;¹⁶² bonds filed in actions of replevin;¹⁶³ alternative writs of mandamus filed by defendants in mandamus proceedings;¹⁶⁴ bonds of hawkers or peddlers;¹⁶⁵ bonds of importers of horses;¹⁶⁶ reports of viewers in lateral railroad construction;¹⁶⁷ reports of viewers in condemnation proceedings;¹⁶⁸ names and photographs of the sheriff's deputies;¹⁶⁹ bonds filed on writs of capias ad respondentum.¹⁷⁰

There are many papers which will be found in these files for some period of time and then kept separately. This is true of Praecipes which were kept separately 1841-54 and 1862-72 and included with the other papers in the Common Pleas Files. Depositions are likewise found here except for those taken in the years between 1850 and 1892¹⁷¹ as are Bills of Costs except for those filed 1820-54 and 1895-1905. Writs of capias, summons, attachments, habeas corpus, and scire facias were kept separately from the time of erection of the county until 1869. In 1870 they were included in the Common Pleas Files as was the record designated Stay of Judgments which was separate only for the year 1824. Upon the request of any interested party, the opinion of a judge of the court of common pleas must be reduced to

154. 1849 P.L. 524 sec. 8.

155. 1825 P.L. 107 sec. 3 rep. as to testamentary trustees by 1917 P.L. 447 sec. 63; 1828 P.L. 453 sec. 3; 1836 P.L. 628 sec. 22. Rules of Court, Rule 8.

156. 1907 P.L. 292 sec. 6(b); 1915 P.L. 124 sec. 1.

157. 1806 P.L. 558, 4 Sm.L. 326 sec. 12.

158. Rules of Court, Rule 88a.

159. 1806 P.L. 558, 4 Sm.L. 326 sec. 5; 1915 P.L. 483 sec. 1; 1921 P.L. 144 sec. 1. The prothonotary must note in the Appearance Dockets the fact that these have been filed. See Rules of Court, Rules 104, 105.

160. Rules of Court, Rules 11, 59.

161. 1867 P.L. 83; 1911 P.L. 279 sec. 4.

162. Rules of Court, Rule 34.

163. 1901 P.L. 88 sec. 1.

164. 1893 P.L. 345 sec. 12.

165. 1729, IV St. at L. 141 sec. 1.

166. 1748, V St. at L. 65 sec. 1.

167. 1832 P.L. 501.

168. 1891 P.L. 75 sec. 6; 1903 P.L. 124 sec. 2.

169. 1937 P.L. 1595 sec. 1.

170. 1836 P.L. 658 sec. 12. The prothonotary in these cases must enter the names of the bail on his docket.

171. Rules of Court, Rules 5, 59, 62.

writing and filed with the prothonotary.¹⁷² Before 1862 these were kept with the other papers in the Common Pleas Files but since that date they have been kept separately in file boxes labeled "Opinion of Court."

The prothonotary may keep an appearance docket and a common pleas or D.S.B. (debt on single bill) docket.¹⁷³ All suits instituted and appeals brought are entered in the Appearance Docket and all judgments by confession and other liens are entered in the common pleas or D.S.B. docket. The Adsectum Judgment Docket serves as an index to the common pleas or D.S.B. docket. In Adams County the prothonotary keeps only the Appearance Docket which he uses as a general docket in which all proceedings before the court of common pleas are entered. He is required to keep a daily record of all instruments filed in his office securing debts such as notes and bonds but no such record is kept separately in Adams County.¹⁷⁴

Any ejectment or action to recover real estate or compel a conveyance may be indexed in an Ejectment Index¹⁷⁵ as is done in Adams County. The papers relating to ejectment proceedings are included in the Common Pleas Files.¹⁷⁶ In 1913 the legislature in amending existing laws, required the prothonotary to keep a separate docket to be known as the Ejectment and Miscellaneous Index in which matters required to be entered upon the direct and adsectum indexes and upon the Judgment Docket are not included in the Ejectment and Miscellaneous Index.¹⁷⁷

Whenever proceedings in equity, affecting the title to real estate are begun in common pleas court and entered in the ejectment, judgment, or miscellaneous indexes and subsequently settled, the prothonotary must indicate upon the margin of the index, the action taken.¹⁷⁸

Justices of the peace must file acceptances of office with the prothonotary who certifies them to the Secretary of the Commonwealth.¹⁷⁹ These acceptances are found in Adams County in the record entitled Miscellaneous Petitions, 1840-84 and in Acceptance of Justice of the Peace from 1885 to date. Certificates of judgments ordered by justices of the peace against boroughs, townships, and school districts must be filed with the prothonotary who must enter them in the Record of Suits before Justices and Aldermen against

172. 1806, XVIII St. at L. 61 sec. 25; 1856 P.L. 337 sec. 1.

173. 1879 P.L. 134 sec. 3.

174. 1936 P.L. 414 sec. 11 reen. and am. 1937 P.L. 633 sec. 1 further reen. and am. 1939 P.L. 76 sec. 1.

175. 1856 P.L. 532 sec. 2.

176. Rules of Court, Rule 68.

177. 1878 P.L. 95 sec. 1 as am. 1913 P.L. 532 sec. 1.

178. 1923 P.L. 6 sec. 1.

179. 1877 P.L. 12 sec. 4; 1915 P.L. 142 sec. 1.

Boroughs, Townships and School Districts.¹⁸⁰ Actually this record does not exist as a separate entity in Adams County. Exceptions of the plaintiff in error must be filed with the prothonotary before certiorari to the justice of the peace will issue.¹⁸¹ At the end of their terms justices of the peace are required to deliver all filled dockets to the prothonotary¹⁸² and these may be found in his office 1856-1918.

The prothonotary must receive and file lists of persons drawn by the jury commissioners to serve as grand and petit jurors¹⁸³ and he keeps a record of their attendance.¹⁸⁴

All tax or municipal claims must be filed with the prothonotary¹⁸⁵ to be entered by him in the Judgment and locality index.¹⁸⁶ Unsatisfied tax liens upon real estate should be entered upon separate dockets and set out separately for each ward, borough, and township.¹⁸⁷ In Adams County they are set out separately only for each ward and each borough in two separate index volumes. Special assessments against owners of property for costs of improving streets, alleys, or highways should be entered in a municipal lien and judgment docket.¹⁸⁸ The prothonotary must file municipal claims of boroughs for special assessments in his office.¹⁸⁹

Notices of liens for taxes due the Federal Government, and certificates discharging such liens, are filed by the Collector of Internal Revenue with the prothonotary who is required to keep a Federal Tax Lien Index and a Federal Tax Lien Notice File.¹⁹⁰

Liens for manual labor and materials used in construction¹⁹¹ are filed with the prothonotary who, in Adams County, keeps them in file boxes together with original tax liens. Since 1847 a record of both tax and mechanics' liens have been recorded in a docket thus anticipating by several

180. 1905 P.L. 296 secs. 1, 2.

181. Rules of Court, Rule 50.

182. 1915 P.L. 669 sec. 1.

183. 1834 P.L. 333 sec. 124; 1874 P.L. 46 sec. 3.

184. 1834 P.L. 333 sec. 128.

185. 1923 P.L. 207 sec. 9; 1927 P.L. 729 sec. 2; 1927 P.L. 733 sec. 3; 1937 P.L. 2609 sec. 9. See also acts of 1927 P.L. 320 rep. 1939 P.L. 349 sec. 2 and 1939 P.L. 1100 secs. 1, 2.

186. 1923 P.L. 207 sec. 26.

187. 1899 P.L. 120 secs. 1, 2.

188. 1893 P.L. 453 sec. 5 rep. as to third-class cities 1931 P.L. 932 sec. 4701. See act of 1939 P.L. 351 secs. 1, 2.

189. 1939 P.L. 641 sec. 3.

190. 1929 P.L. 1215 secs. 1, 3.

191. 1872 P.L. 47 sec. 1; 1883 P.L. 116 sec. 1; 1887 P.L. 337; 1891 P.L. 54 sec. 1; 1901 P.L. 451 secs. 7, 10, 11, 15; 1903 P.L. 297 sec. 1; 1906 P.L. 172 sec. 1. According to a now obsolete provision of 1836 P.L. 616 sec. 3 liens for labor and materials for shipbuilders are obtained by virtue of a libel filed with the prothonotary.

decades the statutory requirements that the prothonotary keep a mechanics' lien docket.¹⁹² All writs, agreements, petitions, awards, and notices of appeals in workmen's compensation cases must be filed with the prothonotary.¹⁹³

All papers filed in arbitration proceedings were kept in Rules to Refer and Choose Arbitrators from 1811 to 1858. In the following year they were included in the Common Pleas Files.¹⁹⁴ All cases settled by arbitration were recorded in a separate docket¹⁹⁵ entitled Record of Arbitrators from 1851 to 1875. In 1876 the practice of including these proceedings in the Appearance Docket was resumed as had been the practice before 1851.

All inquests, writs, accounts, and pleadings in lunacy and habitual drunkenness proceedings must be filed with the prothonotary.¹⁹⁶ He must record in a book kept for that purpose all accounts of assignees, trustees, sequestrators, and committees, and all reports of distributions or appropriations made by the sheriff.¹⁹⁷ Trustees of insolvent debtors and assignees for the benefit of creditors must file their bonds, inventories of the estates assigned, and proofs of claims with the prothonotary, who must enter them on record.¹⁹⁸ Schedules of distribution must be filed with the prothonotary¹⁹⁹ who must give public notice of the filing.²⁰⁰ After distribution assignees' accounts are filed with the prothonotary.²⁰¹ In Adams County the records pertaining to insolvency are fairly complete and full.

Since 1849 the prothonotary has been required to enter into a Partition Docket all proceedings in partition and to record sheriff's inquisitions and all orders of the court in

192. 1872 P.L. 47 sec. 1; 1901 P.L. 451 secs. 7, 10, 11; 1905 P.L. 172 sec. 1. The general act of 1836 relating to mechanics' liens was extended to Adams County by act of 1846 P.L. 327 sec. 1.

193. 1915 P.L. 736 secs. 428-430; 1919 P.L. 426; 1931 P.L. 596 sec. 1 as reen. and am. 1937 P.L. 1552 sec. 1 and further reen. and am. 1939 P.L. 520 sec. 1.

194. The types of papers which may be found here are described in the following acts: 1836 P.L. 715 secs. 20, 33, 47; 1874 P.L. 166 secs. 1, 2; Rules of Court, Rule 2.

195. 1836 P.L. 715 sec. 23. For special acts of Assembly applying to arbitration proceedings in Adams County, see 1868 P.L. 780; 1871 P.L. 800.

196. 1836 P.L. 589 secs. 19, 40-42, 50; 1874 P.L. 122 sec. 1.

197. 1850 P.L. 569 sec. 19.

198. 1836 P.L. 628 sec. 6; 1883 P.L. 73 sec. 1 rep. 1901 P.L. 404 sec. 42 which was suspended by the Federal Bankruptcy Act passed 1898, 50 U. S. Stat. 544 ch. 541; see: Lavery v. Beatty, 28 Dist. 612 (1919); Hoover v. Ober, 42 Super. 308 (1909).

199. 1836 P.L. 729 sec. 15.

200. Ibid., sec. 26.

201. 1836 P.L. 729 sec. 30.

relation to partitions and common recoveries.²⁰² In Adams County such a docket was kept only between the years of 1853 and 1908. Before that time partition proceedings were recorded in the Appearance Docket and since 1908 they have been included in the Miscellaneous Docket.

The sheriff's praecipes, subpoenas, proofs of notice of service,²⁰³ and all other divorce papers²⁰⁴ are filed in the common pleas files. The divorce proceedings are recorded in the Appearance Docket, the only separate record pertaining to divorce matters being the Index to Decree in Divorce which has been kept since 1878. In suits by divorced tenants by the entireties for the sale of property situated in more than one county, where a division of the proceeds is sought, a certified copy of the divorce proceedings must be filed with the prothonotary of each county.²⁰⁵ The naturalization records found in the prothonotary's office are thereby virtue of the jurisdiction of the court of common pleas over the naturalization of aliens.²⁰⁶

In all types of proceedings finally brought to judgment, execution proceedings are begun and recorded in the different execution records. These proceedings are summarized in the Execution Docket which has been carefully kept in Adams County since 1805. Accounts of reports, issues, and profits necessary in execution proceedings are filed with the prothonotary.²⁰⁷ Treasurer's and sheriff's deeds necessitated by the sales incident to execution proceedings are carefully recorded and indexed as are the praecipes, writs, and other papers issued in the course of these proceedings.²⁰⁸ The prothonotary receives all dockets of writs kept by the sheriff²⁰⁹ after acknowledgment and pending delivery for recording sheriff's deeds remain in the custody of the prothonotary.²¹⁰ The recorder of deeds must forward to the prothonotary a certificate stating the place of record of such deeds, and the prothonotary must then note the same in the docket of the particular case.²¹¹ The auditors reports²¹² and the sheriff's schedules of distribution are a natural consequence of the sales conducted in execution proceedings.

202. 1849 P.L. 524 sec. 8; 1850 P.L. 569 sec. 27.

203. 1929 P.L. 1237 secs. 26, 29, 38 am. 1939 P.L. 467.

204. 1927 P.L. 884 sec. 1; 1929 P.L. 1237 secs. 25, 60; 1933 P.L. 1020 sec. 1; Rules of Court, adopted specially March 11, 1940.

205. 1927 P.L. 884 sec. 4.

206. 1790, 1 U. S. Stat. 103 ch. 3; 1906, 34 U. S. Stat. 596 ch. 3592 sec. 3; 1911, 36 U. S. Stat. 1167 ch. 231 sec. 289; 1913, 37 U. S. Stat. 737 ch. 141 sec. 3.

207. Rules of Court, Rule 75.

208. 1836 P.L. 606 secs. 13, 31; 1869 P.L. 8 sec. 1; 1887 P.L. 197 sec. 1; 1878 P.L. 147 No. 185 sec. 1; 1917 P.L. 363 sec. 18(b-5).

209. 1834 P.L. 537 sec. 78; 1836 P.L. 755 secs. 78, 79.

210. 1905 P.L. 265 secs. 3, 4.

211. Ibid., sec. 5.

212. Rules of Court, Rule 68.

When an inquest is held by virtue of an exception levied on real estate it is the duty of the sheriff to return, with the inquisitions a list of the liens exhibited to the jury.²¹³ When real estate is sold by virtue of any writ of execution and the sheriff has reported, by filing in the office of the prothonotary a schedule of distribution of the proceeds of said sale, according to the list of liens on the property sold, which schedule and list of liens he has attached to his returned writ, the sheriff must give notice of the filing of that return by posting a notice in the prothonotary's office.²¹⁴

Bonds given by purchasers of real estate at tax sales should be filed and entered in a surplus bond record²¹⁵ but there is no such record in Adams County where these records are kept with the general executions records.

Conditional sales contracts have been kept on file in Adams County since 1925 and recorded in a docket for the same period of time.²¹⁶ These records are indexed by both a direct and reverse index. Original certificates filed by applicants for the registration of a fictitious name under which they wish to conduct their business have been filed in one file box since 1917²¹⁷ and recorded in two volumes designated Fictitious Names in Business.

A register of attorneys admitted to the bar of Adams County has been kept since its formation in 1800.²¹⁸ Though not specifically required by statute a medical register was kept in Adams County from 1881 to 1889. This together with the certified copies of diplomas of physicians which were filed from 1881 to 1909 were probably an outgrowth of special legislation pertaining to Adams County in which an attempt was made to control the practice of medicine and surgery within its confines to residents.²¹⁹

Although legislation did not require the keeping of a Dentist Register until 1921²²⁰ such a record has been kept since 1883. An Optometry Register was begun 1 year after the passage of legislation requiring it.²²¹ There are no

213. Rules of Court, Rule 78.

214. Ibid., specially adopted February 26, 1940.

215. 1804 P.L. 517, 4 Sm.L. 201 sec. 2; 1895 P.L. 47 sec. 1.

216. 1925 P.L. 603 No. 325 secs. 6, 7, 10; 1927 P.L. 979 sec. 2
1935 P.L. 658 sec. 1; 1939 P.L. 43 sec. 1.

217. 1917 P.L. 645 sec. 1; 1921 P.L. 465 sec. 1.

218. The first legislation pertaining to the keeping of records concerning attorneys was passed in 1909 P.L. 475 sec. 1; 1919 P.L. 73 sec. 1; 1921 P.L. 151 sec. 1; 1923 P.L. 1069 sec. 1.

219. 1869 P.L. 1067 secs. 1, 3; 1870 P.L. 705 sec. 2 sup. 1875 P.L.
51.

220. 1921 P.L. 399.

221. 1917 P.L. 21 sec. 6; 1925 P.L. 659 sec. 2; 1937 P.L. 795 sec.
6.

osteopathic²²² or midwife²²³ registers despite legislation requiring them. On the other hand, in the absence of legislative requirement a veterinary register was kept from 1889 to 1920. An act of 1903 required that owners of automobiles register with the prothonotary the name and residence of the owner or owners, the name of the manufacturer and the manufacturer's number of the motor vehicle. This act was repealed 2 years later but there is no trace of such a record in the prothonotary's office of Adams County.²²⁴

The Stallion Docket kept since 1889 was not required by legislation until 1907.²²⁵ This constitutes a record of all jacks or stallions listed for breeding purposes for which their owners have procured licenses from the State Department of Agriculture. Disabled war veterans are permitted to obtain peddlers' certificates and the prothonotary has kept their petitions in a record labeled Peddler's License for Soldiers.²²⁶ The prothonotary is required to keep advance copies of the laws enacted at each session of the General Assembly²²⁷ for public inspection and when these copies are borrowed he takes a receipt for their return. These receipts were kept in Adams County only for the period 1834-50. Stenographers Notes of Testimony were only kept separately from 1881 to 1931. In 1932 they were combined with other papers in the common pleas files.

The prothonotary is required to keep general accounts of the business of his office in a Cost Docket. All costs collected by him and not paid out to the proper parties are turned over, with the Cost Docket to his successor.²²⁸ He must keep an account of all fees received by him²²⁹ and in Adams County this is in the form of a daily record entitled Counter Book. In a file box labeled Receipts from Commonwealth, the Adams County prothonotary has kept receipts for the fees he has submitted to the State Department of Revenue since 1916.

222. 1909 P.L. 46 sec. 9; 1911 P.L. 241 sec. 1; 1915 P.L. 687 sec. 1.

223. 1913 P.L. 441 sec. 1 rep. 1929 P.L. 160 sec. 7.

224. 1903 P.L. 268 sec. 1 rep. 1905 P.L. 217 sec. 4.

225. 1907 P.L. 14 sec. 1 sup. 1911 P.L. 631 sec. 1; 1921 P.L. 200 sec. 1.

226. 1867 P.L. 50 sec. 1; 1891 P.L. 250 sec. 1; 1921 P.L. 895 sec. 1; 1935 P.L. 126 sec. 1; 1937 P.L. 1191 No. 305 sec. 1.

227. 1893 P.L. 102 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 230.

228. 1913 P.L. 188 sec. 1.

229. 1868 P.L. 3 sec. 6, 1874 P.L. 125 sec. 1; 1901 P.L. 175 sec. 1; 1909 P.L. 77 sec. 1; 1911 P.L. 69 sec. 1. By the act of 1810, 5 Sm.L. 105 these accounts had to be forwarded to the Auditor General. This act was rep. as to counties with a population less than 150,000, 1874 P.L. 125 sec. 1.

Unless otherwise indicated, records of the prothonotary are to be found in his office vault.

Minutes

80. MINUTE BOOK, 1847--. 14 vols. (4 vols. unlabeled; 10 vols. 1-10). 1800-1846 in Appearance Docket, entry 98.

Minutes of proceedings in common pleas court, showing court term and case no.; time convened and adjourned; names of parties, jurors, attorneys, and presiding judge; character of case; jury report; and disposition. Arr. chron. by court term. No index. Hdw. 1847-1924; typed 1925--. Aver. 600 pp. 14 3/4 x 10 x 2 1/2. 4 vols., 1847-72, bsmt. vlt. A; 10 vols., 1872--, off. vlt.

Bonds and Oaths

(See also entries 71, 188-190, 203)

81. TREASURERS BOND AND APPOINTMENT AND OATHS OF COUNTY OFFICERS, 1803--. 8 f.b., 1 bdl. Subtitled by name of office. Title varies slightly; untitled, 1857-66, 1 bdl.

Contains:

- a. Bonds of officials, showing names of official and surety; date, amount, and conditions of bond; dates approved and filed; and official seals and signatures. For J. P. bonds, 1800-1856, see entry 111; for commissioners' bonds, 1878-1924, see entry 190.
- b. Oaths of office of officials, showing date of oath, name of commissioner, term of office, obligation, and seal and signature of official administering oath. For oaths of jury commissioners, 1868-82, see entry 111; for oaths of commissioners, 1924--, see entry 111.

Arr. chron by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. 1 bdl., 1857-66, bsmt. vlt. A; 8 f.b., 1803--, off. vlt.

Trial and Argument Lists

(See also entries, 193, 194)

82. WATCH BOOK, 1827--. 13 vols. (9 vols. unlabeled; 4 vols. dated).

Motions filed for argument in common pleas court, showing date, court term and case no., names of parties and attorneys, nature of motion, date heard, and disposition. Arr. chron. by court term. No index, 1827-1908; indexed alph. by first letter of surnames of parties, 1909--. Hdw. Aver. 60 pp. 6 3/4 x 8 1/4 x 1 1/2. 12 vols., 1827-1908, bsmt. vlt. A; 1 vol., 1909--, off. vlt.

83. TRIAL LIST, 1806--. 4 f.b. (2 f.b. unlabeled; 2 f.b. dated).

List of cases scheduled for hearing in common pleas court, showing court term and case no., names of parties and attorneys, list of jurors chosen for term, and character of case. Arr. chron. by court term. No index. Hdw. 1806-74; ptd. 1875--. 2 f.b., 1806-74, bsmt. vlt. A; 2 f.b., 1875--, off. vlt.

Judgments
(See also entries, 6-10)

84. JUDGMENT DOCKET (INDEX), 1800--. 34 vols. (2 vols. dated; 32 vols. labeled by contained letters of alphabet). Title varies: General Index to Judgment Docket, 1800-1892, 2 vols.

Index of judgments recorded in Appearance Docket, entry 98, showing court term and case no., date filed, names of plaintiff and defendant, type and amount of lien, vol. and p. reference, and date satisfied. Also contains: Index to Assigned Judgments, 1895--, entry 86. Arr. alph. by first letter of surname of defendant, 1800-1892; arr. alph. by first letter of given name of defendant, 1893--. Hdw. and typed on ptd. fm. Aver. 300 pp. 18 x 14 x 2 $\frac{1}{2}$. 33 vols., 1800-1860, 1893--, off. vlt; 1 vol., 1860-92, bsmt. vlt. A.

85. ADSECTUM JUDGMENT INDEX, 1916--. 3 vols. (dated). Plaintiff's index to judgments recorded in Appearance Docket, entry 98, showing names of plaintiff and defendant, and vol. and p. reference. Arr. alph. by first letter of given name of plaintiff. Hdw. on ptd. fm. Aver. 500 pp. 16 $\frac{1}{2}$ x 12 x 2. Off.

86. INDEX TO ASSIGNED JUDGMENT, 1876-94. 1 vol. Discontinued. 1895-- in Judgment Docket (Index), entry 84.

Index to assigned judgments entered in Appearance Docket, entry 98, showing names of assignee and assignor, court term and case no., date filed, amount involved, and vol. and p. reference. Arr. alph. by first letter of surname of assignor. Hdw. 100 pp. 12 x 14 x 3. Bsmt. vlt. A.

87. DAILY JUDGMENT RECORD, 1937--. 3 bdl. (dated). Daily record of judgments presented for filing and recording, showing court term and case no., names of parties, type and amount of judgment, and dates filed and recorded. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 12 x 6 x 2. Off.

Liens

88. LOCALITY IN THE TOWNSHIPS, 1903--. 1 vol.

Index to location of property on which tax or mechanics' liens have been filed and which are recorded in Mechanic and Tax Liens(Docket), entry 91 showing names of township and owner; court term and case no.; location and description of property; date, type, and amount of lien; and vol. and p.

reference. Arr. alph. by name of twp. Hdw. on ptd. fm. 400 pp. 17 x 15 1/2 x 2 3/4.

89. LOCALITY INDEX BOROUGHHS, 1903--. 1 vol. Index to location of property on which tax or mechanics' liens have been filed and which are recorded in Mechanic and Tax Liens (Docket), entry 90, showing information as in entry 88. Arr. alph. by name of boro. Hdw. on ptd. fm. 400 pp. 17 1/2 x 15 1/2 x 2 3/4.

90. MECHANIC AND TAX LIENS (Docket), 1847--. 10 vols. (labeled by contained letters of alphabet). Title varies: Mechanics' Liens, 1847-1934, 6 vols.

Record of mechanics' and tax liens filed against property, showing court term and case no.; date, type, and amount of lien; name and address of defendant; location and description of property; and date satisfied. Arr. chron. by date filed. Indexed alph. by first letter of surname of defendant; for indexes, 1903--, see entries 88, 89. Hdw. 1847-1934; hdw. on ptd. fm. 1935--. Aver. 600 pp. 15 x 12 x 3.

91. TAX LIENS, WAGE CLAIMS AND MECHANIC LIENS, 1846--. 11 f.b. (dated).

Liens filed against property, showing court term and case no.; names of parties; date, type, and amount of lien; location and description of property; date of satisfaction; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 4 3/4 x 14.

92. LAND LIEN DOCKET, 1864-68. 1 vol.

List of unpatented lands on which the Commonwealth filed liens, showing lien no., date of grant, name of warrantee, quantity of land applied for, location, quantities retained and unpatented, amount paid, rate of interest, amount due, date of payment, fees, satisfaction no. and date, and certification by the Surveyor General. Arr. chron. by date recorded. No index. Hdw. 40 pp. 12 x 21 x 1/2. Bsm. vlt. A.

93. CONDITIONAL CONTRACT OF SALES DOCKET, 1925--. 3 vols. (1-3).

Record of conditional sales contracts, showing date, file no., names and addresses of buyer and seller, location and description of items purchased, amount involved, balance due, terms of agreement, and dates of filing and satisfaction. Arr. chron. by date filed. Indexed alph. by first letter of surnames of buyer and seller, 1925-29; for indexes, 1929--, see entries 95, 96. Hdw. on ptd. fm. Aver. 500 pp. 18 x 12 x 2 1/2.

94. CONDITIONAL SALES CONTRACTS, 1925--. 5 f.b. (dated).

Conditional sales contracts, showing information as in entry 93. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

95. REVERSE INDEX TO CONDITIONAL CONTRACT OF SALES
(Docket), 1929--. 1 vol.

Index to Conditional Contract of Sales Docket, entry 93, showing names of buyer and seller, dates of filing and satisfaction, file no., and vol. and p. reference. Arr. alph. by first letter of surname of buyer. Hdw. on ptd. fm. 725 pp. 18 x 14 x 3.

96. DIRECT - INDEX TO CONDITIONAL CONTRACT OF SALES
(Docket), 1929--. 1 vol.

Index to Conditional Contract of Sales Docket, entry 93, showing information as in entry 95. Arr. alph. by first letter of surname of seller. Hdw. on ptd. fm. 725 pp. 18 x 14 x 3.

Papers and Dockets

97. (COMMON PLEAS FILES), 1800--. 266 f.b. (dated). Papers filed in proceedings in common pleas court, showing court term and case no., date filed, names of parties and attorneys, character of instrument, cause for action, disposition, and official seals and signatures. Also contains: Rules to Refer and Choose Arbitrators, 1859--, entry 103; Praecipes, 1800-1840, 1855-61, 1873--, entry 106; Lunacy Proceedings, 1800-1905, entry 112; Trustee and Committee Bonds, 1933--, entry 114; Opinion of Court, 1800-1861, entry 117; Depositions, 1800-1849, 1893--, entry 118; Bill of Costs, 1800-1819, 1855-94, 1906--, entry 119; Precept for Venire, 1800-1854, entry 120; Writs of Capias, Summons, Attachments, Habeas Corpus and Scire Facias, 1870--, entry 132; Stay of Judgments, 1800-1823, 1825--, entry 133; Distributions and Sheriffs Distributions, 1800-1859, entry 136; Bills in Equity, 1800-1862, entry 137; Certiorari to Determine Before Justices, 1836--, entry 141; Insolvent Debtors, 1906--, entry 142; Appointment and Oaths of Appraisers in Assigned Estates, 1800-1902, 1910--, entry 144; Assignees Discharge, 1800-1915, 1927--, entry 146; Assignee Bonds, 1929--, entry 148; Deeds of Assignment for Benefit of Creditors, 1800-1906, entry 149; Inventory and Sale List, 1800-1883, entry 150; Copies of Orders of Sale, 1800-1874, 1893--, entry 151; Order and Return of Sale, 1800-1853, 1911, entry 152; Sales in Bulk, 1800-1928, entry 153; and Stenographer Notes, 1932--, entry 184. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

98. APPEARANCE DOCKET, 1800--. 99 vols. (lettered).

Title varies: Appearance and Judgment Docket, 1800-1892, 8 vols.

Record of proceedings in common pleas court, showing court term and case no., names of parties and attorneys, cause for action, date filed, and abstract of papers filed. Also contains: Minute Book, 1800-1846, entry 80; Miscellaneous Docket, 1800-1895, entry 101; Record of Arbitrators, 1800-1850, 1876--, entry 102; Partition Docket, 1800-1852, entry 104; Praecipe Docket, 1800-1876, entry 105; Account and Distribution Docket, 1800-1849, entry 135; Equity Docket, 1800-1856, entry 138; (Insolvent Debtors Docket), 1906--, entry

143; and Auditors Reports, 1800-1876, entry 154. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties; for index to judgments, 1800--, see entry 84; plaintiff's index to judgments, 1916--, see entry 85; to assigned judgments, 1876-94, see entry 86; to ejectment cases, 1872--, see entry 107; to divorce decrees, 1878--, see entry 108; to cases of lunacy and habitual drunkards, 1878--, see entry 109; and to continued cases, 1800-1802, see entry 110. Hdw. Aver. 750 pp. 18 $\frac{1}{2}$ x 13 x 3 $\frac{1}{2}$.

99. APPEARANCE AND JUDGMENT DOCKET, 1808-76, many gaps. 14 vols.

Obsolete recording of proceedings in common pleas court, showing information as in entry 98. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. Aver. 750 pp. 18 $\frac{1}{2}$ x 13 x 3 $\frac{1}{2}$. Bsm. vlt. A.

100. CIRCUIT COURT DOCKET, 1801-34. 1 vol. Discontinued.

Record of petitions filed in circuit court, showing date filed, court term and case no., names of parties and petitioners, character of petition, cause for action, and date of court decrees. Arr. chron. by date filed. No index. Hdw. 400 pp. 13 x 8 $\frac{1}{4}$ x 1 $\frac{1}{2}$.

101. MISCELLANEOUS DOCKET, 1896--. 10 vols. 1800-1895 in Appearance Docket, entry 98.

Record of miscellaneous petitions filed in common pleas court, showing court term and case no., names of parties and petitioners, date filed, character of instrument, cause for action, and date of court rule or decree. Also contains: Partition Docket, 1909--, entry 104. Arr. chron. by court term. Indexed by first letter of surname of plaintiff. Hdw. Aver. 620 pp. 12 x 15 x 2 3/4.

102. RECORD OF ARBITRATORS, 1851-75. 2 vols. 1800-1850, 1876-- in Appearance Docket, entry 98.

Record of arbitration proceedings, showing court term and case no., names of parties and arbitrators, date appointed, date and place of meeting, reasons of arbitration, and disposition. Arr. chron. by court term. No index. Hdw. Aver. 40 pp. 8 x 10 x $\frac{1}{2}$. Bsm. vlt. A.

103. RULES TO REFER AND CHOOSE ARBITRATORS, 1811-58. 2 f.b. 1859-- in Common Pleas Files, entry 97.

Petitions filed, rules of reference, and appointment of arbitrators, showing court term and case no., dates filed and appointed, names of parties and arbitrators, character of dispute, date and place of meeting, disposition, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 3 3/4 x 9 $\frac{1}{2}$ x 3 3/4. Bsm. vlt. A.

104. PARTITION DOCKET, 1853-1908. 1 vol. (A). 1800-1852 in Appearance Docket, entry 98; 1909-- in Miscellaneous Docket, entry 101.

Record of partition proceedings, showing court term and case no., names of parties and attorneys, location and descrip-

tion of property, and orders of court. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. 400 pp. 10 x 15 x 2. Bsm. vlt. A.

105. PRAECIPE DOCKET, 1877--. 13 vols. (1-13). 1800-1876 in Appearance Docket, entry 98.

Recorded copies of praecipes issued for court cases, showing court term and case no., names of parties and attorneys, type of writ, dates issued and returned, and total amount of costs. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. Aver. 325 pp. 14 x 9 $\frac{1}{2}$ x 2. 3 vols., 1877-86, bsm. vlt. A; 10 vols., 1886--, off. vlt.

106. PRAECIPES, 1841-54, 1862-72. 7 f.b. (dated). 1800-1840, 1855-61, 1873-- in Common Pleas Files, entry 97.

Orders to issue writs, showing court term and case no., date filed, writ no., type and nature of writ, names of parties and attorneys, cause for action, dates issued and returned, and official seals and signatures. Arr. num. by writ no. No index. Hdw. 3 3/4 x 9 $\frac{1}{2}$ x 3 3/4. Bsm. vlt. A.

107. EJECTMENT INDEX, 1872--. 3 vols.

Index to ejectment cases recorded in Appearance Docket, entry 98, showing names of parties, court term and case no., and vol. and p. reference. Arr. alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 70 pp. 16 3/4 x 11 3/4 x 1.

108. INDEX TO DECREE IN DIVORCE, 1878--. 2 vols.

Index to divorce decrees recorded in Appearance Docket, entry 98, showing names of libelant, respondent, attorney, and judge; court term and case no.; date of decree; and vol. and p. reference. Arr. alph. by first letter of surname of libelant. Hdw. on ptd. fm. Aver. 200 pp. 17 x 12 x 2.

109. INDEX TO LUNATIC AND HABITUAL DRUNKARD, 1878--. 2 vols.

Index to lunacy and habitual drunkard cases recorded in Appearance Docket, entry 98, showing court term and case no., names of parties and committee, date of court decree, and vol. and p. reference. Arr. alph. by first letter of surnames of parties. Hdw. on ptd. fm. Aver. 150 pp. 17 x 12 x 1 $\frac{1}{4}$. 1 vol., 1878-1919, bsm. vlt. A; 1 vol., 1920--, off. vlt.

110. (INDEX TO CONTINUED CASES), 1800-1802. 1 vol.
Discontinued.

Index to continued cases recorded in Appearance Docket, entry 98, showing names of plaintiff and defendant, and vol. and p. reference. Arr. alph. by first letter of surnames of parties. Hdw. 145 pp. 14 x 7 x 1 $\frac{1}{2}$. Bsm. vlt. A.

111. MISCELLANEOUS PETITIONS, 1800--. 6 bdl., 16 f.b. (dated). Title varies: Miscellaneous Papers, 1800-1814, 6 bdl.

Miscellaneous papers filed in common pleas court, showing court term and case no., date filed, names of parties, character of instrument, and official seals and signatures. Also contains: Bonds of Justices of Peace, 1800-1856, entry 81a; Oaths of Jury Commissioners, 1868-82, entry 81b; Reports and Petitions and Appointment of Viewing of Streets, Alleys and Avenues, 1874-92, entry 116; Jury Wheel, 1868-1916, entry 123; Attendance of Petit Jurors at Court, 1800-1921, entry 124; Acceptance of Justice of the Peace, 1840-84, entry 125; Auditors Reports (Sheriff Sales), 1800-1821, entry 134; and Assignees Accounts, 1800-1821, entry 145. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. Bdl. $3\frac{1}{2}$ x $8\frac{1}{2}$ x 4; f.b. 10 x 5 x 14. 6 bdl., 1800-1814, bsmtn. vlt. A; 16 f.b., 1815--, off. vlt.

112. LUNACY PROCEEDINGS, 1906--. 4 f.b. (dated). 1800-1905 in Common Pleas Files, entry 97.

Papers filed in lunacy cases, showing court term and case no.; date filed; names of parties, attorneys, and fiduciary; character of instrument; cause for action; disposition; and official seals and signatures. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

113. PARTIAL AND FINAL ACCOUNT OF TRUSTEES, 1804--. 3 f.b. (dated). Title varies: Trustee and Committee Accounts, 1804-1902, 2 f.b.

Accounts filed by trustees in estates of feeble-minded persons, showing court term and case no.; date filed; names of feeble-minded parties and trustees; itemized assets, liabilities, receipts, and expenditures; balance; schedule of distribution; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

114. TRUSTEE AND COMMITTEE BONDS, 1836-1932. 1 f.b. 1933-- in Common Pleas Files, entry 97.

Bonds posted by guardians and trustees of estates of feeble-minded persons and habitual drunkards, showing court term and case no.; names of parties, trustees, and sureties; date, amount, conditions, and obligations of bond; date approved by court; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

115. CHARTERS, 1854--. 1 f.b. (dated).

Papers filed by organizations for charters, showing date filed; name, address, and purpose of organization; names of officers; constitution; date of hearing; disposition; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

116. REPORTS AND PETITIONS AND APPOINTMENT OF VIEWING OF STREETS ALLEYS AND AVENUES, 1893--, 2 f.b. (dated). 1874-92 in Miscellaneous Petitions, entry 111.

Petitions filed to appoint viewers of land for public use, showing court term and case no., date filed, names of petitioners and property owners, location, purpose, surveyor's drawing and report, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

117. OPINION OF COURT, 1862--. 5 f.b. (dated). 1800-1861 in Common Pleas Files, entry 97.

Opinions rendered by judges of common pleas court, showing court term and case no., date rendered, names of parties and attorneys, character of opinion, and official seals and signatures. Arr. chron. by date rendered. No index. Hdw. and typed. 10 x 5 x 14.

118. DEPOSITIONS, 1850-92. 1 bdl., 6 f.b. (dated). 1800-1849, 1893-- in Common Pleas Files, entry 97.

Testimony of witnesses taken at hearing, showing court term and case no.; names of parties, witnesses, and attorneys; nature of testimony; date and place of testimony; date filed; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Bdl. $3\frac{1}{2}$ x 9 x 2; f.b. 10 x 5 x 14. 6 f.b., 1850-92, off. vlt; 1 bdl., 1869, bsm. vlt. A.

119. BILL OF COSTS, 1820-54, 1895-1905. 7 f.b. (dated), 1 bdl. (unlabeled). 1800-1819, 1855-94, 1906-- in Common Pleas Files, entry 97.

Itemized bill of costs of court cases, showing court term and case no., names of parties assessed, total amount, date filed, and official seals and signatures. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. F.b. 4 x 10 x 4; bdl. 3 x 6 x $2\frac{1}{2}$. Bsm. vlt. A.

Juries
(See also entry 300)

120. PRECEPT FOR VENIRE, 1855--. 2 f.b. (1 f.b. dated; 1 f.b. unlabeled). 1800-1854 in Common Pleas Files, entry 97.

Writs from president judge to sheriff to empanel jury, showing date, court term, number of jurors to be chosen, and signature of president judge. Arr. chron. by date issued. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. 1 f.b., 1855-82, bsm. vlt. A.; 1 f.b., 1833--, off. vlt.

121. VENIRE FOR JURY, 1810-44, 1857-72, 1880--. 5 f.b. (dated).

Venires for grand and petit juries, showing date; type of jury; court term drawn for; name, addresses, and occupations of jurors; date summoned; and official seals and signatures. Arr. chron. by court term. No index. Hdw. and typed on ptd.

fm. 10 x 5 x 14. 4 f.b., 1810-44, 1857-72, bsmt. vlt. A.;
1 f.b., 1880--, off. vlt.

122. LIST OF JURORS, 1875--. 10 bdl., 2 f.b. (dated). List of jurors drawn for service, showing name, address, and occupation of juror; court term and court for which drawn; dates accepted and returned; and signatures of jury commissioners and president judge. Arr. chron. by court term. No index. Hdw. 1875-86; hdw. and typed 1887--. Bdl. 3 $\frac{1}{2}$ x 8 $\frac{1}{2}$ x 4; f.b. 10 x 5 x 14. 10 bdl., 1875-1886, bsmt. vlt. A; 2 f.b., 1887--, off. vlt.

123. JURY WHEEL, 1917--, 1 f.b. (dated). 1868-1916 in Miscellaneous Petitions, entry 111. List of citizens' names placed in jury wheel, showing court term; name, address, and occupation of citizen; and date summoned. Arr. chron. by court term. No index. Typed on ptd. fm. 10 x 5 x 14.

124. ATTENDANCE OF PETIT JURORS AT COURT, 1922--. 1 f.b. 1800-1921 in Miscellaneous Petitions, entry 111.

Jurors' attendance record, showing court term, names of jurors, dates of attendance, reason excused or stricken off list, and signatures of jurors. Arr. chron. by court term. No index. Hdw. on ptd. fm. 10 x 5 x 14.

Justice of the Peace

125. ACCEPTANCE OF JUSTICE OF THE PEACE, 1885--. 2 f.b. Title varies; Notice of Acceptance of Justice of Peace, 1885-1913, 1 f.b. 1840-84 in Miscellaneous Petitions, entry 111.

Acceptance of office filed by elected justices of the peace, showing date of election, names of justice and civil division, date filed, and signature of justice. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

126. CIVIL DOCKET (Justices of the Peace), 1856-1918. 5 vols. Subsequent records kept by justices. Dockets of justices of peace deposited with prothonotary at expiration of term of office, showing date of hearing; names of parties, witnesses, and justice of the peace; cause for action; amount involved; and disposition. Arr. chron. by date of hearing. No index. Hdw. Aver. 300 pp. 11 x 8 x 1 $\frac{1}{4}$. Bsmt. vlt. A.

Executions (See also entries 58, 287, 288)

127. FI(er1) FA(cia)s, 1800--. 90 f.b. (dated). Writs issued in execution proceedings, showing court term and case no; names of parties and attorneys; amounts of debt and costs; location and description of property; dates issued, returned, and filed; and official signatures. Arr. chron. by date filed. No index. Hdw. and hdw. and typed on

ptd. fm. 10 x 5 x 14. 73 f.b., 1800-1879, bsmt. vlt. A; 17 f.b., 1871--, off. vlt.

128. WRITS OF CIRCUIT COURT, 1801-9. 2 f.b. (dated). Discontinued.

Writs issued by circuit court to sheriff for execution, showing court term and case no.; names of parties, attorneys, and sheriff; type of writ; dates issued, served, and returned; cause of action; official seals and signatures; and date filed. Arr. chron. by date filed. No index. Hdw. 3 3/4 x 9 1/2 x 3 3/4. Bsmt. vlt. A.

129. EXECUTION DOCKET, 1805--. 19 vols. (16 vols. unlabeled; 3 vols. dated).

Record of execution proceedings, showing court term and case no.; names of parties and attorneys; type of writ; dates issued and returned; and amounts of real debt, judgment, fees, and costs. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. 1805-1909; hdw. and typed 1910--. Aver. 600 pp. 15 1/2 x 11 1/4 x 2 1/4. 16 vols., 1805-1909, bsmt. vlt. A; 3 vols., 1910--, off. vlt.

130. SHERIFF'S DEEDS, 1815-1907. 1 bdl., 1 f.b. Deeds of property sold by sheriff, showing court term and case no.; names of purchaser and defendant; location and description of property; amount of debt to be satisfied; costs; sale price; dates of sale, absolute title, and filing; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Bdl. 10 x 12 x 14; f.b. 10 x 5 x 14. Bsmt. vlt. A.

131. SHERIFF'S DEED BOOK, 1893-1905. 2 vols. 1800-1892 in Sheriff Deeds, Insolvent Debtors and Naturalization Docket, entry 155.

Recorded copies of sheriff's deeds, showing court term and case no., names of former owner and purchaser, location and description of property, purchase price, and dates of sale and acknowledgement. Also contains; Sheriff Deed Book, 1893-1905, entry 58. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. on ptd. fm. Aver. 500 pp. 18 x 11 3/4 x 3.

132. WRITS OF CAPIAS, SUMMONS, ATTACHMENTS, HABEAS CORPUS AND SCIRE FACIAS, 1800-1869. 67 f.b. (dated). 1870-- in Common Pleas Files, entry 97.

Writs issued in execution of judgment proceedings, showing court term and case no.; names of parties and attorneys; type of writ; cause for action; dates issued, served, returned, and filed; and official seals and signatures. Arr. chron. by court term. No index. Hdw. and typed on ptd. fm. 3 3/4 x 9 1/2 x 3 3/4. smt. vlt. A.

133. STAY OF JUDGEMENTS, 1824. 1 bdl. 1800-1823, 1825-- in Common Pleas Files, entry 97.

Petitions filed for stay of execution of judgments in sheriff sales, showing court term and case no., date filed, names of parties and attorneys, date writ issued, amount of

debt, location and description of property, cause for action, and official seals and signatures. Arr. chron. by court term. No index. Hdw. on ptd. fm. 3 3/4 x 9 1/2 x 3 3/4. Bsm. vlt. A.

134. AUDITORS REPORTS (Sheriff Sales), 1822--. 9 f.b. (dated). 1800-1821 in Miscellaneous Petitions, entry 111.

Reports filed by auditors on distribution of funds from sheriff sales, showing court term and case no., date filed, names of parties and auditors, location and description of property, amount of debt, date of sale, amount realized, costs, fees, balance, schedule of distribution, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 13.

135. ACCOUNT AND DISTRIBUTION DOCKET, 1850--. 5 vols. (B, D-F; 1 vol. unlabeled). 1800-1849 in Appearance Docket, entry 98.

Record of distribution of money derived from sheriff's sales, showing court term and case no., names of defendant and creditors, location and description of property, date and amount of sale, costs, and schedule of distribution. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. Aver. 390 pp. 16 x 10 3/4 x 3.

136. DISTRIBUTION AND SHERIFFS DISTRIBUTIONS, 1860--. 5 f.b. (dated). 1800-1859 in Common Pleas Files, entry 97.

Sheriff's statements of distribution of proceeds from sale of property, showing court term and case no.; date filed; names of parties, auditors, and sheriff; date and amount of sale; location and description of property; schedule of distribution; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

Equity

137. BILLS IN EQUITY, 1863--. 10 f.b. (dated). 1800-1862 in Common Pleas Files, entry 97.

Papers filed in equity cases, showing date, court term and case no., names of parties and attorneys, cause for action, character of instrument, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

138. EQUITY DOCKET, 1857--. 4 vols. (A-D). 1800-1856 in Appearance Docket, entry 98.

Record of papers filed in equity proceedings, showing court term and case no., names of parties and attorneys, cause for action, abstract of papers, date filed, and disposition. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. Aver. 600 pp. 18 x 12 x 3.

Appeals

139. APPEALS TO SUPERIOR AND SUPREME COURT, 1895--.
1 f.b., 1 bdl.

Returned papers in cases appealed to Superior and Supreme Courts, showing dates appealed and returned, court term and case no., names of parties and attorneys, transcripts of notes of testimony, court orders, opinions, and official seals and signatures. Also contains; Writs of Errors from Supreme Court, 1904--, entry 140. Arr. chron. by date filed. No index. Hdw. and typed. Bdl. 3 3/4 x 9 1/2 x 3 3/4; f.b. 10 x 5 x 14. 1 bdl., 1895-1909, bsmt. vlt. A; 1 f.b., 1910--, off. vlt.

140. WRITS OF ERROR FROM SUPREME COURT, 1813-1903.
15 f.b. (dated). Untitled 1872-89; 1 bdl. 1904-- in Appeals to Superior and Supreme Court, entry 139.

Returned papers in cases appealed to Supreme Court, showing information as in entry 139. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14. 7 f.b., 1813-36 bsmt. vlt. A; 8 f.b., 1837-1903, off.

141. CERTIORARI TO DETERMINE BEFORE JUSTICES, 1819-35.
4 f.b. (dated). 1836-- in Common Pleas Files, entry 97.

Writs filed to appeal decisions of justices of the peace to higher court, showing court term and case no., date filed, names of parties and attorneys, nature of case, cause for action, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. 3 3/4 x 9 1/2 x 3 3/4. Bsmt. vlt. A.

Insolvency

142. INSOLVENT DEBTORS, 1800-1905, 20 f.b. (dated).
1906-- in Common Pleas Files, entry 97.

Voluntary petitions filed by insolvents, showing court term and case no., names of petitioners and creditors, character of debt, schedule of assets and liabilities, date filed, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. 19 f.b. 1800-1838, bsmt. vlt. A; 1 f.b., 1839--, off. vlt.

143. (INSOLVENT DEBTORS DOCKET), 1800--. 1800-1905 in Sheriffs' Deeds, Insolvent Debtors and Naturalization Docket, entry 155; 1906--in Appearance Docket, entry 98.

Recorded copies of petitions filed by insolvents, showing court term and case no., name of insolvent, character of petition, cause for action, and official seals and signature.

144. APPOINTMENT AND OATHS OF APPRAISERS IN ASSIGNED ESTATES, 1902. 1 f.b. 1800-1902, 1910--in Common Pleas Files, entry 97.

Petitions for appointment and oaths of appraisers, showing court term and case no., date filed, names of appraisers and

insolvent, date appointed, affidavits of appraiser and assignee, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

145. ASSIGNEES ACCOUNTS, 1822--. 5 f.b. (dated).

1800-1821 in Miscellaneous Petitions, entry 111.

Reports filed by assignees in insolvent cases, showing court term and case no.; date filed; names of insolvent, creditors, auditors, and assignees; itemized assets, liabilities, receipts, and disbursements; balance; schedule of distribution; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

146. ASSIGNEES DISCHARGE, 1916-26. 1 f.b. 1800-1915, 1927-- in Common Pleas Files, entry 97.

Petitions filed for discharge of assignees of insolvents, showing court term and case no., date filed, names of insolvent and assignees, cause for action, and official seals and signatures. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14.

147. ASSIGNEES BONDS, 1864--. 1 vol.

Recorded copies of bonds filed by assignees of estates, showing date of bond; names of estate, principal, and surety; date, amount, and conditions of obligation of bond; date approved by court; and name of president judge. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 350 pp. 14 x 8 $\frac{1}{2}$ x 1 3/4.

148. ASSIGNEES BONDS, 1835-1928. 2 f.b. (dated).

1929-- in Common Pleas Files, entry 97.

Bonds posted by assignees of estates, showing date filed; names of estate, principal, and sureties; date; amount, and conditions of obligation of bond; date approved; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

149. DEEDS OF ASSIGNMENT FOR PENEFIT OF CREDITORS,

1907--. 1 f.b. (dated). 1900-1906 in Common Pleas Files, entry 97.

Papers filed in assignment of property for benefit of creditors, showing court term and case no.; names of parties, attorneys, and creditors; itemized accounts of real and personal property; return and report of sales; dates filed and accepted; and official seals and signatures. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14.

150. INVENTORY AND SALE LIST, 1834--. 7 f.b. (dated).

1800-1833 in Common Pleas Files, entry 97.

Inventory and sale list in settlement of estates of insolvents, showing date filed; names of estate, assignee, and appraisers; location and description of property; itemized assets; amount realized from sale; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

151. COPIES OF ORDERS OF SALE, 1875-92. 1 f.b. 1800-1874, 1893-- in Common Pleas Files, entry 97.

Copies of court orders issued for settling estates of insolvents, showing court term and case no., names of parties and trustees, date and place of sale, location and description of property, amount of assets and liabilities, date filed, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

152. ORDER AND RETURN OF SALE, 1854-1910. 3 f.b. 1800-1853, 1911-- in Common Pleas Files, entry 97.

Petitions filed by assignees for order of sale and return of sale in settlement of estates of insolvents, showing court term and case no.; date filed; names of parties, assignees, and attorneys; date and place of sale; location and description of property; assets and liabilities; costs and amount of return; schedule of distribution; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

153. SALES IN BULK, 1929--. 1 f.b. 1800-1928 in Common Pleas Files, entry 97.

Petitions filed by creditors of insolvents for pro-rata division, showing date, court term and case no., names of insolvent and creditors, amount of bulk sale, amount due each creditor, court orders, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

154. AUDITORS REPORTS, 1877--. 3 vols. (1-3). 1800-1876 in Appearance Docket, entry 98.

Recorded copies of accounts filed by auditors in insolvency cases, showing court term and case no., date filed; names of parties and auditors; lists of assets, liabilities, receipts, and expenditures; balance on hand; and schedule of distribution. Arr. chron. by date filed. Indexed alph. by first letter of surname of auditor. Hdw. Aver. 600 pp. 18 x 12 x 2 3/4.

155. SHERIFF'S DEEDS, INSOLVENT DEBTORS AND NATURALIZATION DOCKET, 1800-1905. 6 vols. (1-6). Title varies; Deeds Insolvent Debtors Docket, 1820-41, 2 vols.

Recorded copies of sheriff's deeds, record of petitions filed by insolvent debtors, and petitions filed by aliens for citizenship. Contains: Sheriff's Deed Book, 1800-1892, entry 131; (Insolvent Debtors Docket), entry 143; and (Naturalization Docket), entry 157. Arr. chron. by date recorded. Indexed alph. by first letter of surname of defendant or petitioner. Hdw. Aver. 600 pp. 18 x 12 x 3.

156. PETITION FOR NATURALIZATION, 1800-1934. 4 f.b. (dated), 2 vols. (unlabeled). Discontinued as county record; subsequent records kept by United States Department of Justice, Naturalization Service. Title varies; Naturalization, 1800-1900, 4 f.b.

Petitions and declarations filed by aliens for citizenship,

showing court term and case no.; petition; name, local residence, age, sex, occupation, nationality, physical description, and places and dates of birth, embarkment, and arrival of alien; name of vessel; dates and places of birth and residence of spouse and children; character references; certification of local residence; date and nature of oath of allegiance; dates of court orders of admission or rejection; names of witnesses; and official seals and signatures. Arr. chron. by date of admission, 1800-1905; arr. num. by petition no., 1906-34. Indexed alph. by first letter of surname of petitioner. Hdw. and typed on ptd. fm. F.b. 10 x 5 x 14; vols. aver. 100 pp. 12 x 8 $\frac{1}{2}$ x $\frac{1}{2}$.

157. (NATURALIZATION DOCKET), 1800-1905. In Sheriffs' Deeds, Insolvent Debtors and Naturalization Docket, entry 155.

Recorded copies of petitions and declaration of intentions of aliens for citizenship, showing date, name, address, age, occupation, marital status, nationality, and date and place of birth of alien; ports of embarkment and entry; length of time in country; names of witnesses; and official seals and signatures.

158. CITIZENSHIP PETITIONS GRANTED, 1935--. 1 vol. List of aliens admitted to citizenship by the Federal district court, showing name and address of alien, court term and case no., date granted, and signatures of clerk and district court judge. Arr. chron. by court term. No index. Typed on ptd. fm. 30 pp. 11 x 9 x 3/4.

159. NATURALIZATION PAPERS FROM CIRCUIT COURT, 1910-- 1 f.b.

Revocation of citizenship of aliens by Federal circuit court, showing court term and case no., name and address of alien, date of hearing, name of judge, cause, date of court decree revoking citizenship, and official seals and signatures. No obvious arr. No index. Typed on ptd. fm. 10 x 5 x 14.

160. MILITARY PETITIONS, 1918. 12 vols.

Petitions for citizenship filed by aliens mustered in United States Army and stationed at Camp Holt, showing date; name, address, age, nationality, occupation, and date and place of birth of alien; name, address, and place of birth of wife; number of children; date of enlistment; length of residence; whether petitioned for citizenship before; date of affidavit; oath of allegiance; court orders; certificate no.; date issued; signatures of petitioner and witnesses; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Aver. 185 pp. 14 x 18 x 1 $\frac{1}{2}$. Bsm. vlt. A.

161. (STUBS OF CERTIFICATES OF NATURALIZATION), 1918. 10 Vols.

Stubs of naturalization certificates issued to aliens mustered into United States Army and stationed at Camp Holt, showing name, age, nativity, and date and place of birth of alien; name, address, and ages of wife and children; certificate no.; dates petition filed and certificate issued; and

signature of applicant. Arr. chron. by date of issue. No index. Hdw. on ptd. fm. Aver. 50 pp. 10 x 12 x 3/4. Esmt. vlt. A.

Fictitious Names

162. CERTIFICATE OF CONDUCTION OF BUSINESS UNDER ASSUMED OR FICTITIOUS NAME, 1917--. 1 f.b.

Certificates filed by parties conducting business under an assumed or fictitious name, showing date, registration no., name and address of owner, trade name, location and type of business, affidavit of applicant, and official seals and signatures. Arr. num. by registration no. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

163. FICTITIOUS NAMES IN BUSINESS, 1917--. 2 vols. (1, 2).

Record of parties conducting business under an assumed or fictitious name, showing date filed, name and address of owner, trade name, location and type of business, names and addresses of interested parties, and date recorded. Arr. chron. by date filed. Indexed alph. by first letter of fictitious name. Hdw. on ptd. fm. Aver. 400 pp. 9 x 12 x 2.

Licenses and Registration (See also entries 215-218, 289, 309-320)

164. LIST OF ATTORNEYS ADMITTED TO PRACTICE LAW IN ADAMS COUNTY, 1800--. 1 vol.

Record of attorneys admitted to practice law in county courts, showing name and address of attorney, name of preceptor, and dates of examination and admission. Arr. chron. by date of admission. No index. Hdw. 80 pp. 10 x 8 x 1/2.

165. MEDICAL RECORD, 1881-89. 1 vol. Discontinued as county record; subsequent records kept by

State Board of Medical Education and Licensure.

Register of licensed physicians, showing name, address, and date and place of birth of physician; degree; institutions attended; educational record; date and place of practice; date certified of Pennsylvania Medical Council; date registered; and signatures of physician and prothonotary. Arr. chron. by date registered. Indexed alph. by first letter of surname of physician. Hdw. on ptd. fm. 300 pp. 14 x 9 x 1 3/4.

166. MEDICAL DIPLOMAS AND CERTIFIED COPIES, 1881-1909. 1 f.b. Discontinued as county record; subsequent records kept by State Board of Medical Education and Licensure.

Certified copies of diplomas filed by physicians, showing name of physician, date of diploma, name of school attended, names of faculty, official seal and signatures, and date filed. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

167. DENTIST REGISTER, 1883--. 1 vol.

Register of dentists, showing date; name, address, and date and place of birth of dentist; length of residence in State; education; dates of continuous practice; date of license; and signature of dentist and prothonotary. Arr. chron. by date registered. Indexed alph. by first letter of surname of dentist. Hdw. on ptd. fm. 292 pp. 14 x 8 3/4 x 1 3/4.

168. OPTOMETRY REGISTER, 1918--. 1 vol.

Register of licensed optometrist, showing date; name, address, and qualifications of optometrist; and signature of prothonotary. Arr. chron. by date registered. Indexed alph. by first letter of surname of optometrist. Hdw. on ptd. fm. 250 pp. 19 x 9 x 1 3/4.

169. VETERINARY REGISTER, 1889-1920. 1 vol. Discontinued as county record; subsequent records kept by State Board of Veterinary Medical Examiners.

Register of licensed veterinarians, showing date; name, address, and date and place of birth of veterinarian; institutions attended; educational qualifications; date and place of practice; affidavit of veterinarian; and signature of prothonotary. Arr. chron. by date registered. Indexed alph. by first letter of surname of veterinarian. Hdw. on ptd. fm. 220 pp. 14 x 9 x 1.

170. STALLION DOCKET, 1889--. 2 vols. Title varies: Stallion Register, 1889-1907, 1 vol.

Record of stallions registered, showing name and address of owner, name and description of stallion, date foaled, date examined by veterinarian, registration no., date registered, and signature of prothonotary. Arr. chron. by date registered. No index. Hdw. on ptd. fm. Aver. 500 pp. 8 3/4 x 10 3/4 x 3. 1 vol., 1889-1907, clk. of cts. off.; 1 vol., 1908--, bsmrt. vlt. A.

171. (REGISTER OF CHILDREN BORN OF NEGRO SLAVES), 1800-1820, 1834-50. 1 vol.

List of children born to Negro slaves, showing dates of record and birth; sex; whether black or mulatto; name of child; and name, address, and occupation of owner. Also contains: (Receipts for Pamphlet Laws), 1834-50, entry 182. Arr. alph. by surname of owner and chron. thereunder by date of entry. No index. Hdw. 125 pp. 12 x 7 x 3/4.

172. PEDDLERS LICENSE FOR SOLDIERS, 1879--. 1 f.b.

Petitions of disabled veterans for peddler licenses, showing date, name and address of veteran, physician's affidavit of disability, and official seal and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

For applications for peddler licenses, see entry 218.

Accounts

173. RECEIPTS FROM COMMONWEALTH, 1916--. 1 f.b.

Receipts for prothonotary's return of fees submitted to

State Department of Revenue, showing date, type of service, amount of fee retained by county, amount submitted to Commonwealth, and official seals and signatures. Arr. chron. by date of receipt. No index. Hdw. on ptd. fm. 10 x 5 x 14.

174. COUNTER BOOK, 1862-64, 1878-80, 1936--. 3 vols. Daily record of fees received by prothonotary for recording instruments, showing date, name of party, type of instrument, amount for each, and total amount received. Arr. chron. by date of receipt. No index. Hdw. Aver. 150 pp. 6½ x 8 x 7. 2 vols., 1862-64, 1878-81, bsmt. vlt. A; 1 vol., 1926--, off.

Miscellaneous

175. COUNTY AUDITORS REPORTS, 1833--. 2 bdl., 5 f.b. (dated).

Auditors' reports of county accounts, showing date; names of offices and accounts; itemized receipts and expenditures; totals; balance; and signatures of auditors, treasurer, and commissioners. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. 2 bdl., 1833-35, bsmt. vlt. B.; 5 f.b., 1836--, off. vlt.

176. SCHOOL AUDITORS REPORTS, 1922-31, 1935--. 1 f.b. Annual auditors' reports of financial accounts of school districts, showing date; name of school district; per capita and property tax rate; total receipts; amounts of expenditures for instruction, operation, and maintenance; total; capital outlay summary; sinking fund report; amount of assets and liabilities; date filed; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

177. AUTHORITY TO SATISFY BY AUTHORITY OF BOARD OF DIRECTORS (Power of Attorney), 1922--. 1 f.b.

Power of attorney filed by school and poor board directors, showing date, names of party given power of attorney and board of directors, date approved, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

178. BONDING COMPANIES AND GUARANTY COMPANIES AND POWER OF ATTORNEY, 1912--. 1 f.b.

Statements of surety companies approved to issue surety bonds and of agents appointed with power of attorney, showing date; names and addresses of companies, officers, and agents appointed with power of attorney; itemized list of assets and liabilities; date filed; and official seals and signatures. Arr. chron. by date filed. No index. Typed on ptd. fm. 10 x 5 x 14.

179. LIST OF SUPERVISORS ELECTED, 1906--. 1 f.b.

List of elected township and borough supervisors, showing date, name of civil division, name and address of supervisor, and term of office. Arr. alph. by name of civil division. No index. Typed on ptd. fm. 10 x 5 x 14.

180. BUILDING CONTRACTS (Plan of Museum), 1920. 1 f.b. Contracts and agreements for building used to exhibit painted picture of Battle of Gettysburg, showing date, location, name of contractor, specifications, total cost, scale, name of architect, and date drawn. No obvious arr. No index. Blueprinted. 10 x 5 x 14.

181. (PENSION CLAIMS), 1813-68. 1 bdl. Claims filed for pensions by veterans who served in the military or naval service of the United States, showing date filed; name, address, rank, branch of service, and dates of service of veteran; and signatures of witnesses and claimant. Arr. chron. by date filed. No index. Hdw. 8 x 4 $\frac{1}{2}$ x 2. Bsm. vlt. A.

182. (RECEIPTS FOR PAMPHLET LAWS), 1834-50. In (Register of Children Born of Negro Slaves), entry 171.

Receipts of copies of pamphlet laws distributed by prothonotary to various public officials, showing name of person for whom books are intended, date received, description of books received, and signature of recipient.

183. (NOTARY PROTEST RECORD), 1817-1914. 20 vols. Discontinued.

Recorded copies of protests filed by banking institutions, showing date filed, check no., name and address of bank, names of payer and payee, amount involved, names of parties endorsing check, date of protest, and name of bank notary. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Aver. 150 pp. 8 x 12 x 1 $\frac{1}{2}$. Bsm. vlt. A.

184. STENOGRAPHER NOTES (Common Pleas Court), 1881-1931. 13 bdl., 11 f.b. (dated). 1932-- in Common Pleas Files, entry 97.

Stenographic notes of testimony given in cases in common pleas court, showing court term and case no.; names of parties, attorneys, and stenographer; and date and nature of testimony. Arr. chron. by court term. No index. Hdw. Bdl. 3 $\frac{1}{2}$ x 8 $\frac{1}{2}$ x 2; f.b. 10 x 5 x 14. 13 bdl., 1881-96, bsm. vlt. A.; 11 f.b., 1897-1931, off. vlt.

185. (MONTHLY REPORT), 1937--. 2 bdl.

Copies of monthly reports to treasurer of fees earned, showing date, amount, nature of service rendered, court term and case no., name of payer, amounts due State and county, totals, and signature of prothonotary. Arr. chron. by date of report. No index. Hdw. and typed on ptd. fm. 4 x 10 x 4. Off.

IV. CLERK OF THE COURT OF QUARTER SESSIONS AND OYER AND TERMINER

Evolution and Structural Organization

The clerk of the court of quarter sessions and oyer and terminer, commonly known as the clerk of courts, was a well established officer in Pennsylvania when Adams County came into existence. The Constitution of 1790 vested the appointment of the clerk in the Governor,¹ but since 1838 he has been an elective officer, first with a 3-year term, and since 1909 with a tenure of 4 years.² At first the prothonotary acted as clerk of all the courts, but since 1839 the prothonotary has been a separate officer, and the clerk of quarter sessions and oyer and terminer has also acted as clerk of orphans' court.³

Like all county officers the clerk of courts must be an American citizen and a resident of the county for at least a year before assuming office.⁴ During his continuance in office, he may not be county treasurer⁵ or a justice of the peace,⁶ and may not practice as an attorney in the courts of quarter sessions and oyer and terminer.⁷ He is exempt from military service⁸ and may not hold office under the government of the United States while he is clerk of courts.⁹ Vacancies are filled by the Governor to hold office until a new clerk is chosen in the first municipal election which takes place 2 or more months after the occurrence of the vacancy.¹⁰ Before assuming office the clerk must take an oath¹¹ and post a bond.¹² The clerk does not receive a salary. Instead he retains the fees which he gets for his services as clerk of quarter sessions¹³ and as clerk of oyer and terminer.¹⁴ After the total amount of fees collected in any 1 year reaches \$4,000, the clerk must turn over to

1. Const. 1790, art. II, sec. 8.

2. Const. 1838, art. VI, sec. 3; Const., art. XIV, sec. 2 as am. 1909.

3. 1839 P.L. 559 sec. 1.

4. Const., art. XIV, sec. 3.

5. 1841 P.L. 400 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 142.

6. 1874 P.L. 186 sec. 4; 1929 P.L. 1278 sec. 223.

7. 1834 P.L. 333 sec. 75; 1929 P.L. 1278 sec. 223.

8. 1887 P.L. 23 sec. 110 sup. 1899 P.L. 266 sec. 2.

9. 1812, 5 Sm. L. 309 sec. 1 sup. 1874 P.L. 186 sees. 6-12 rep. 1929 P.L. 1278 sec. 1051 but sup. by sec. 52.

10. 1929 P.L. 1278 sec. 60 am. 1931 P.L. 401 sec. 1.

11. Const., art. VII, sec. 1; 1929 P.L. 1278 sec. 53.

12. 1834 P.L. 333 sec. 76; 1929 P.L. 1278 sec. 225.

13. 1925 P.L. 570 sec. 1.

14. 1868 P.L. 3 sec. 5.

the State one-half of the excess.¹⁵

The clerk of courts must appoint deputies who are authorized to perform any of the duties of the clerk. One of them is designated as first deputy and he takes over the duties of his principal whenever the latter is absent. When the office of clerk of courts is vacant, the first deputy acts as clerk until a successor is appointed and qualified. In such cases he must post a bond which is satisfactory to the court of common pleas.¹⁶ The clerk of the court of quarter sessions also appoints special clerks and deputies whenever the pressure of business makes it advisable.¹⁷ The compensation of all assistants is fixed by the clerk himself.¹⁸

Functions and Records

The highly varied duties of the clerk may be divided into two main groups. Primarily he is clerk of the criminal courts, but he must also perform duties relative to the miscellaneous civil jurisdiction vested in the court of quarter sessions.

The clerk has custody of the records and seal of the court and performs all duties appertaining to his office under the direction of the court.¹⁹ He signs and affixes the seal of the court to all writs and processes of the court and to all exemplifications of them.²⁰ On occasions when the judges cannot attend court, it is adjourned from day to day by the clerk.²¹

The clerk issues writs commanding the sheriff and jury commissioners to impanel jurors and ordering the sheriff to summon jurors.²² After jurors have served, he certifies to the county commissioners the number of days served by each one.²³ In trials without a jury the written decisions of the court are filed with the clerk, who notifies all parties.²⁴ When an array of jurors is quashed the clerk certifies the record of it to the court of common pleas which enters it on

15. 1868 P.L. 3 sec. 8 par. 7 am. 1901 P.L. 175; 1874 P.L. 125 sec. 1 am. 1909 P.L. 77 further am. 1921 P.L. 69 further am. 1937 P.L. 2786; Comm. v. Conway, 12 Pa. C.C. 630, 2 Dist. 429 (1893).

16. 1874 P.L. 43 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 59 am. 1931 P.L. 401 sec. 1 and in 1929 P.L. 1278 sec. 224 am. 1931 P.L. 401 sec. 1 further am. 1933 P.L. 952; Comm. v. Gray, 28 Pa. C.C. 319. (1903).

17. 1875 P.L. 25 sec. 2.

18. 1929 P.L. 1278 sec. 224 am. 1931 P.L. 401 sec. 1 further am. 1933 P.L. 952.

19. 1834 P.L. 333 sec. 45.

20. Ibid., sec. 77.

21. Ibid., sec. 64.

22. Ibid., sec. 108; 1867 P.L. 62 sec. 5.

23. 1834 P.L. 333 sec. 120.

24. 1874 P.L. 109 sec. 2 am. 1935 P.L. 640.

its own records.²⁵

Before February 1 of every year the clerk of courts sends to the State Department of Welfare a full statement of the criminal business of the court for the preceding calendar year. He must state the number of bills laid before the grand jury, the number of true bills and the number returned ignoramus, and the number of presentments. In addition the clerk shows in this report how many bills were tried before the court of quarter sessions and oyer and terminer, the number of resultant acquittals and convictions, and the number of nolle prosequis. He also states the types of offenses which came before the court and the number and account of forfeited recognizances. Any other relevant information which the clerk believes to be useful is incorporated into the report.²⁶

The clerk of courts must send to the Department of Revenue a certified record of all convictions and all fines imposed under the Motor Vehicle Code.²⁷ Whenever any case held in the county results in a death sentence, the clerk of courts must send to the Governor a complete transcript of the record of the trial.²⁸ Once a month the clerk must forward to the wardens of the State penitentiaries a list of all convicts committed on the indeterminate plan.²⁹ He is required to furnish the record of the trial to the officer in charge of a criminal sentenced to the Pennsylvania Industrial School at Huntingdon.³⁰ He must notify the Superintendent of the State Industrial Home for Women at Muncy of persons sentenced to the Home and furnish a record of the cases to the agents sent for the prisoners.³¹

The county is authorized to pay rewards for the apprehension of horse thieves. When one is captured, the clerk of courts must notify the county commissioners of that fact.³²

In connection with the civil jurisdiction of the court, the clerk has the power to take acknowledgments of deeds.³³ He certifies to the Department of Highways and the

25. 1874 P.L. 46 sec. 5.

26. 1847 P.L. 172 sec. 2 provided that this report be sent to the Secretary of the Commonwealth; 1872 P.L. 42 sec. 1 stipulated that it be sent to the Board of Public Charities which was later supplanted by the Department of Welfare.

27. 1929 P.L. 905 sec. 614 am. 1931 P.L. 751 sec. 2 further am. 1935 P.L. 331.

28. 1860 P.L. 382 sec. 75 am. 1925 P.L. 759; 1913 P.L. 528 sec. 2.

29. 1909 P.L. 495 sec. 7; 1911 P.L. 1055 sec. 7 partially sup. 1913

P.L. 532 sec. 1 and am. 1930 P.L. 114.

30. 1887 P.L. 63 sec. 6.

31. 1913 P.L. 1311 sec. 18.

32. 1821 P.L. 90 sec. 2.

33. 1775, 1 Sm.L. 422 sec. 1 am. 1893 P.L. 108 sec. 1.

Secretary of Internal Affairs the establishment of a new township³⁴ or borough³⁵ and certifies to the Superintendent of Public Instruction the creation of a new school district.³⁶ The clerk transmits to the Secretary of Internal Affairs certified copies of the reports of commissions appointed to alter any county line.³⁷ He certifies to the Department of Highways every report of road viewers and the action of the court upon it.³⁸

The clerk grants licenses to hawkers and peddlers of clocks and tinware.³⁹ At the close of each court term he transmits to the Auditor General a list of persons to whom peddlers' licenses have been granted by the court of quarter sessions.⁴⁰

It is the duty of the clerk to make monthly returns and pay into the State Treasury through the Department of Revenue all moneys received for the use of the Commonwealth.⁴¹ All fines and recognizances for the use of the State are sent by the clerk to the Department of Revenue for suit.⁴²

The records of the clerk of the court of quarter sessions and oyer and terminer are sometimes the results of specific statutory requirements. In other cases their keeping is the implied outgrowth of one of his official functions. Still other records result from the requirements of rules adopted by the court. In general he is obliged to keep all papers filed in the criminal and civil proceedings of the court of quarter sessions and oyer and terminer.⁴³

Minute books, containing a record of all proceedings in the courts of quarter sessions and oyer and terminer, have been kept by the clerk as a matter of convenience. There is no legal requirement that such a record be kept, although it is mentioned indirectly in several laws.⁴⁴ Minutes of the old circuit court kept from 1826 until 1833 have also been preserved in the office of the clerk.

34. 1925 P.L. 359 No. 211 rep. as to second-class twps. 1933 P.L. 103 sec. 2101 but reen. in sec. 240.

35. 1925 P.L. 359 No. 211 rep. as to boros. 1927 P.L. 519 sec. 3301 but reen. in sec. 210.

36. 1911 P.L. 309 sec. 116 am. 1915 P.L. 627 sec. 4 further am. 1921 P.L. 1032 sec. 2 further am. 1929 P.L. 642 sec. 2 further am. 1931 P.L. 243 sec. 1.

37. 1876 P.L. 143 sec. 4.

38. 1909 P.L. 142 sec. 2 am. 1923 P.L. 498 sec. 201 further am. 1927 P.L. 137.

39. 1830 P.L. 39 sec. 2.

40. *Ibid.*; 1830 P.L. 147 sec. 1.

41. 1893 P.L. 125 sec. 1; 1929 P.L. 343 sec. 901 am. 1931 P.L. 318.

42. 1783, 2 Sm. L. 84 sec. 5; 1811, 5 Sm. L. 228 sec. 24; 1818 P.L. 273 sec. 2; 1935 P.L. 1002 No. 319.

43. 1834 P.L. 333 sec. 45.

44. 1887 P.L. 14 sec. 2 rep. 1927 P.L. 841 No. 311; Comm. v. Robinson et al., 317 Pa. 321 (1935).

A number of oaths and bonds are found in the office of the clerk of courts. He files the oaths and bonds of borough and township tax collectors.⁴⁵ From 1834 until 1874 he was authorized to keep the oaths of county commissioners⁴⁶ and auditors,⁴⁷ and from 1891 until 1929 the oath of the commissioners' clerk was lodged with this officer.⁴⁸ Fire wardens' oaths should also be found among his papers.⁴⁹ He formerly filed the bonds of the deputy surveyor,⁵⁰ and constables' bonds are still in his custody.⁵¹ Since he keeps all papers filed in the criminal courts, a number of the bonds posted by defendants are found among his records. Some of these are filed separately and others are placed in the general quarter sessions papers.

As a matter of convenience the clerk has kept a calendar of cases listed for trial and a record of motions filed for argument in quarter sessions court. The former was kept as a separate record from 1844 until 1896, but during the other years of the county's existence it was entered in the Quarter Sessions Docket.

The large file entitled Quarter Sessions (Criminal Cases) contains most of the papers filed in criminal proceedings before the courts of quarter sessions and oyer and terminer. The papers filed there include trial lists, grand jury reports, petitions, warrants, praecipes, notices to defendants, motions, indictments, bonds, subpoenas, bills of costs, orders, verdicts, appeals, court rules, and probation and parole papers. A number of other specified papers pertaining to the criminal business of the court are usually placed in this general file. These include transcribed notes of testimony taken in court proceedings,⁵² reports of the probation and parole officers,⁵³ a record of transferred prisoners,⁵⁴ and fire wardens' reports of violations.⁵⁵ After the execution of a criminal takes place, the warden of the Western State Penitentiary certifies that fact to the clerk of courts of the county in which the criminal was con-

45. 1885 P.L. 187 sec. 3 am. 1909 P.L. 474 rep. as to twp. taxes 1917 P.L. 840 sec. 1500 but reen. for second-class twps. in sec. 366 but rep. 1933 P.L. 103 sec. 2101 and reen. in sec. 571 am. 1935 P.L. 1205 further am. 1939 P.L. 224; 1885 P.L. 187 sec. 3 am. 1909 P.L. 474 rep. as to boros. 1927 P.L. 519 sec. 3301 but reen. in sec. 1081.

46. 1834 P.L. 537 sec. 17 sup. Const., art. VII, sec. 1.

47. 1834 P.L. 537 sec. 45 sup. Const., art. VII, sec. 1.

48. 1891 P.L. 22 No. 16 sup. 1899 P.L. 56 sec. 3 and rep. 1929 P.L. 1278 secs. 1051, 1052.

49. 1903 P.L. 24 No. 29 sec. 1 rep. 1923 P.L. 98 sec. 2901.

50. 1785, 2 Sm.L. 317 sec. 11 rep. 1850 P.L. 434 which abolished the office of deputy surveyor.

51. 1824 P.L. 171 sec. 3 sup. 1834 P.L. 537 sec. 112.

52. 1907 P.L. 135 secs. 3, 5, 9.

53. 1909 P.L. 495 sec. 4; 1911 P.L. 1055 sec. 3 am. 1919 P.L. 569.

54. 1923 P.L. 1044 sec. 5.

55. 1897 P.L. 9 sec. 3.

victed. The clerk thereupon files the certificate.⁵⁶ When a person charged with murder is destitute, he files an affidavit to that effect with the clerk of courts. The court thereupon appoints an attorney to serve as his counsel. The affidavits and the attorneys' expense accounts are filed with the clerk.⁵⁷

In Adams County for the sake of convenience, certain criminal papers have been filed, not in the large general file, but separately under more specific headings. For example copies of proceedings in criminal cases heard before justices of the peace and continued for court have been filed separately since 1883. Papers filed in murder cases since 1907 have been placed in a separate group of file boxes. Other special groups of papers consist of petitions for parole, petitions for order to destroy gambling devices, notes of testimony for the years from 1917 to 1931, opinions of the court since 1905, and papers filed in cases appealed to the Superior Court from 1902 until 1918.

The clerk keeps numerous papers filed in the civil proceedings of the court of quarter sessions. Most of these papers, along with a few dealing with criminal matters, have been filed together and entitled Miscellaneous Files (Quarter Sessions). The court of quarter sessions has certain supervision over the boroughs and townships of the county; many of the papers in these files relate to municipalities. Among these are petitions to form boroughs,⁵⁸ to annul borough charters and to change the name of boroughs,⁵⁹ to change borough boundaries,⁶⁰ to divide boroughs,⁶¹ to erect new wards,⁶² to change the number of councilmen from each ward of a given borough,⁶³ and to settle boundary disputes between a borough and an adjoining municipality.⁶⁴ Whenever a borough adds adjoining lots to its territory by ordinance, a plan of such extension is filed with the clerk.⁶⁵ Other papers concerning boroughs include complaints that a borough council has failed to organize itself⁶⁶ and the returns of elections held to determine whether a borough may use some of its money in other ways than were originally permitted.⁶⁷ Also filed here are petitions for the erections⁶⁸ or division⁶⁹ of a township or for the change of

56. 1913 P.L. 528 sec. 6.

57. 1907 P.L. 31 No. 27.

58. 1927 P.L. 519 secs. 201-205.

59. Ibid., secs. 301-303 am. 1931 P.L. 386 sec. 4.

60. 1927 P.L. 519 secs. 401-420.

61. Ibid., secs. 235, 236.

62. Ibid., secs. 601, 602.

63. Ibid., secs. 815, 816.

64. Ibid., sec. 502.

65. Ibid., sec. 426.

66. Ibid., sec. 1004.

67. 1917 P.L. 568 sec. 6.

68. 1931 P.L. 1206 sec. 206: 1933 P.L. 103 secs. 205, 206.

69. 1933 P.L. 103 secs. 205, 206.

township boundaries.⁷⁰ In addition there are filed complaints that a township officer is refusing or neglecting to perform his duties.⁷¹ In almost all of the above-mentioned instances, after one of these petitions is filed with the court, an election upon that matter is held in the borough or township. Thereupon, certified copies of the returns are filed with the clerk. Other miscellaneous papers which may be found here are returns of elections to increase municipal indebtedness⁷² and reports of commissions appointed to alter the county boundary line.⁷³

Many of the other papers found in the civil files deal with elections.⁷⁴ These include petitions to form new election districts⁷⁵ and petitions for the appointment of election officers.⁷⁶ Prior to 1937 the clerk filed duplicates of election return,⁷⁷ various papers concerning election controversies,⁷⁸ and expense accounts of candidates.⁷⁹ In Adams County petitions and appointments of election officers were filed separately from 1879 until 1909.

The clerk of courts keeps a docket or record of all cases heard before the courts of quarter sessions and oyer and terminer. From 1823 until 1936 cases heard in the court of oyer and terminer were recorded in a separate docket.

The clerk is obliged to file all papers pertaining to proceedings in the construction and repair of roads and bridges.⁷⁹ These papers include petitions to open, vacate, or improve roads and bridges, and the resultant reports of

70. 1933 P.L. 103 sec. 302.

71. Ibid., sec. 503.

72. 1903 P.L. 258 No. 212.

73. 1929 P.L. 1278 sec. 40.

74. 1885 P.L. 149 No. 117 sec. 1 rep. 1937 P.L. 1333 sec. 1901 but reen. as am. in secs. 503, 504.

75. 1874 P.L. 31 sec. 6 am. 1893 P.L. 101 further am. 1897 P.L. 38 further am. 1921 P.L. 618 rep. 1937 P.L. 1333 sec. 1901 but reen. as am. in sec. 405.

76. 1799, 5 Sm.L. 340 sec. 12 rep. 1839 P.L. 619 sec. 174 but reen. in sec. 55 rep. 1840 P.L. 683 sec. 16 but reen. in sec. 1 rep. 1937 P.L. 1333 sec. 1901; 1839 P.L. 519 sec. 84 rep. 1937 P.L. 1333 sec. 1901.

77. 1839 P.L. 519 sec. 154 sup. 1874 P.L. 208 sec. 16 rep. 1937 P.L. 1333 sec. 1901.

78. 1906 (Sp. Sess.) P.L. 78 secs. 6, 9 rep. 1937 P.L. 1333 sec. 1901.

79. 1700, II St. at L. 68 rep. 1802 P.L. 178 sec. 25 but reen. as am. in secs. 1-24 rep. 1830 P.L. 551 sec. 82 but reen. as am. in secs. 1-81; 1895 P.L. 336 am 1905 P.L. 290 further am. 1909 P.L. 527 sup.

1911 P.L. 224 secs. 1-17, 19 am. 1919 P.L. 918 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 751, 871, 893; 1907 P.L. 167 sec. 1 rep. as to boros. 1915 P.L. 312 ch. XIII art. I sec. 1; 1929 P.L. 1278 sec. 752 am. 1931 P.L. 401 sec. 1.

viewers with plots and drafts of the proposed work and the final decision of the court.⁸⁰ Notes of testimony taken from witnesses in road and bridge cases were filed separately from 1845 until 1891. Since 1849 the clerk has kept a special road and bridge docket.

At first papers filed in juvenile cases were filed in the general quarter sessions files, and a record of such cases was placed in the Quarter Sessions Docket or the Oyer and Terminer Docket. Now, however, juvenile court papers must be filed separately, and a special Juvenile Court Docket must be prepared.⁸¹

Constables' reports of law violations were placed in a separate file from 1899 until 1904. For all the other years of the county's existence they may be found in Miscellaneous Files.

The reports of all inquests held by the coroner must be preserved in the office of the clerk of courts.⁸² These have been filed separately since 1925.

The clerk of courts has always had various responsibilities relating to licensing and registration. Until the adoption of the Federal eighteenth amendment the court of quarter sessions granted liquor licenses, and papers relating to them were filed with the clerk of that court.⁸³ In Adams County the file of petitions for liquor licenses, with the accompanying bonds, dates from 1820 until 1921. The clerk has kept applications for stallion licenses since 1894. These are in the form of certificates which give various stipulated facts about the registered stallion.⁸⁴ From 1919 until 1923 affidavits relating to all second-hand automobiles sold or transferred within the various townships of the

80. 1901 P.L. 279 sec. 3 rep. 1903 P.L. 274 sec. 12 but reen. as am. in sec. 1 rep. 1933 P.L. 1433 sec. 28 but reen. secs. 1, 3; 1903 P.L. 66 sec. 1 rep. 1933 P.L. 1433 sec. 28 but reen. as am. in sec. 8.

81. 1917 P.L. 240 No. 132 sec. 2.

82. 1783, XI St. at L. 53 sup. 1834 P.L. 117 secs. 1, 4, 14, 15 rep. 1855 P.L. 53; 1794, XV St. at L. 149 sec. 1; 1821 P.L. 244 sec. 3 rep. 1824 P.L. 32 secs. 8, 9; 1830 P.L. 352 sec. 3 sup. 1834 P.L. 117 sec. 6 rep. 1933 P.L. 853 sec. 601; 1856 P.L. 200 sec. 8 rep. 1864 P.L. 895: 1856 P.L. 200 secs. 7, 10, 11 sup. 1887 P.L. 108 secs. 3-6, 9 rep. 1923 P.L. 34 sec. 8; 1875 P.L. 40 sec. 2 sup. 1887 P.L. 108 sec. 3 rep. 1923 P.L. 34 sec. 8; 1891 P.L. 257 sec. 8 am. 1901 P.L. 124 sec. 2 seems to be rep. by implication 1935 P.L. 1246 secs. 1, 802; 1897 P.L. 297 sec. 2 am. 1901 P.L. 263 rep. 1933 P.L. 252 sec. 33; 1897 P.L. 464 sec. 3 am. 1903 P.L. 317 rep. 1933 P.L. 252 sec. 33; Comm. v. Schoener, 212 Pa. 527 (1905); Rules of Court, Rule 148.

83. 1893 P.L. 37 sec. 1 rep. 1907 P.L. 114; 1911 P.L. 631.

84. 1919 P.L. 702 secs. 2, 3 rep. 1923 P.L. 425 sec. 19.

county were filed with the clerk.⁸⁵ Also filed with the clerk of courts, probably in the Miscellaneous Files, are lists of attorneys admitted to practice in the courts of quarter sessions and oyer and terminer from 1885 until 1927,⁸⁶ applications for detective licenses,⁸⁷ bolter and baker brandmarks, and peddlers' bonds.⁸⁸ From 1877 until 1911 the clerk issued licenses to transient medical practitioners after satisfactory evidence of the applicant's fitness to practice had been furnished to him.⁸⁹ From 1909 until 1913 he granted and revoked licenses for engaging in the small loans business and applications for such licenses and petitions for revocation were filed with him.⁹⁰

The clerk makes records of the fees which he receives,⁹¹ but in Adams County he has not preserved them. The only account books found in his office are those which deal with the payment of support orders. These records, all of which date from 1936, consist of a record of the payment of such orders and a group of canceled checks and check stubs. Also filed with the clerk of courts are the reports of the auditors of the boroughs⁹² and townships⁹³ of the county. In addition he has preserved the assessors' enumerations,⁹⁴ of the taxable inhabitants of the county for the year 1814.

Unless otherwise stated, the records of the clerk of courts are found in his vault.

85. 1855 P.L. 16 am. 1887 P.L. 131 rep. 1927 P.L. 1666 No. 136 sec. 1; 1927 P.L. 356 No. 225.

86. 1887 P.L. 173 sec. 2.

87. 1781, X St. at L. 288 sec. 2; 1781, 2 Sm.L. 11.

88. 1830 P.L. 147 sec. 1.

89. 1877 P.L. 42 sec. 4 am. 1897 P.L. 257 rep. 1911 P.L. 639 sec. 14.

90. 1909 P.L. 518 No. 200 secs. 1, 7 rep. 1913 P.L. 429 sec. 8.

91. 1810 P.L. 79 sec.-1; 1868 P.L. 3 sec. 8 par. 7 am. 1901 P.L. 175; 1874 P.L. 125 sec. 1 am. 1909 P.L. 77 further am. 1921 P.L. 69 further am. 1937 P.L. 2786.

92. 1874 P.L. 112 sec. 2 and 1911 P.L. 865 sec. 2 am. 1915 P.L. 254 sec. 3, all rep. as to boros. 1915 P.L. 512 ch. XIII art. 1 sec. 1 but reen. in ch. VII art. IV sec. 3 rep. 1927 P.L. 519 sec. 5301 but reen. in sec. 1037 am. 1931 P.L. 386 sec. 8; 1909 P.L. 392 sec. 2 rep. as to boros. 1915 P.L. 512 ch. XIII art. 1 sec. 1 required that financial reports of boros. be filed with the clerk.

93. 1874 P.L. 112 sec. 2 rep. as to the accounts of supervisors and twp. treasurers 1917 P.L. 800 sec. 1500; 1911 P.L. 865 sec. 2 am. 1913 P.L. 254 sec. 3 rep. as to twp. 1917 P.L. 800 sec. 1500 but reen. in sec. 327, rep. as to second-class twp. 1933 P.L. 103 sec. 2101 but reen. in sec. 547 am. 1936 P.L. 1299 sec. 1 further am. 1937 P.L. 1758 sec. 1; 1909 P.L. 392 sec. 2 rep. as to twp. 1917 P.L. 840 sec. 1500 required that the receipts and expenditures of all twp. be filed here.

94. 1807 P.L. 100 sec. 5; 1814 P.L. 60 ch. XXXVII sec. 3; 1821 P.L. 4, 7 Sm. 341 sec. 3.

Minutes

186. MINUTE BOOKS, 1874--. 2 bdl., 17 vols. (dated).
Title varies: Minutes, 1874-78, 2 bdl.; Records,
1879-84, 1 vol. 1800-1873 in Quarter Sessions
Docket, entry 205.

Minutes of proceedings of quarter sessions court, showing court term and case no.; date and time convened and adjourned; names of parties, attorneys, jurors, and judge; character of cases; disposition; and date of next court session. Arr. chron. by court term. No index. Hdw. Bdl. 6 x 8 x 1 $\frac{1}{4}$; vols. aver. 550 pp. 1 $\frac{1}{4}$ x 9 $\frac{1}{2}$ x 1 $\frac{1}{2}$. 2 bdl., 1874-78, bsm. vlt. A; 17 vols. 1879--, off. vlt.

187. MINUTES OF CIRCUIT COURT, 1826-33. 1 bdl.
(dated). Discontinued.

Minutes of circuit court, showing court term and case no.; names of parties, attorneys, jurors, and judge; character of case; and disposition. Arr. chron. by court term. No index. Hdw. 3 3/4 x 9 $\frac{1}{2}$ x 3 3/4. Bsm. vlt. A.

Bonds

(See also entries 71, 81, 203)

188. TAX COLLECTORS BONDS, 1801--. 4 bdl., 3 f.b.
(dated).

Fidelity bonds posted by tax collectors, showing names of tax collectors, civil division, and sureties; date, amount, and conditions of obligation of bond; dates approved and filed; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. Bdl. 10 x 8 x 2; f.b. 10 x 5 x 14. 4 bdl., 1801-84, bsm. vlt. A; 3 f.b., 1886--, off. vlt.

189. BONDS, CONSTABLES, BASTARDY, COMMISSIONERS OATH
OF OFFICE, 1924--. 1 f.b. 1800-1923 in Miscel-
laneous Files (Quarter Sessions Court), entry 203.

Bonds posted by constables and defendants in bastardy cases, showing names and addresses of constable and defendant; names of sureties and witnesses; date, amount, and conditions of obligation of bond; dates approved and filed; and official seals and signatures. Commissioners oaths show date, names of commissioners, term of office, and seal and signature of official administering oath. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

190. COUNTY COMMISSIONERS BONDS, 1878-1924. 1 f.b.
(dated).

Fidelity bonds posted by county commissioners, showing names of commissioners and sureties; date, amount, and conditions of obligation of bond; dates approved and filed; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

For commissioners' bonds, 1803-77, 1925--, see entry 81a.

191. Recognizance (Bonds), 1929--. 1 f.b. 1800-1928
in Quarter Sessions (Criminal Cases), entry 195.

Bonds filed to assure appearance of defendants, showing court term and case no.; names of principal and sureties; date, amount, and conditions of obligation of bond; dates filed and approved; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

192. RECOGNIZANCE, 1873--. 2 vols.

Record of bonds posted by defendants to assure appearance, showing court term and case no.; names of principal and sureties; date, amount, and conditions of obligation of bond; cause for action; date acknowledged at next court term; date filed; and signature of clerk. Arr. chron. by court term. No index. Hdw. on ptd. fm. Aver. 800 pp. 15 x 9 x 2 3/4.

Trial and Argument List
(See also entries 82, 83)

193. TRIAL DOCKET, 1844-96. 4 vols. Title varies: Clerk of Courts Docket, 1844-51, 3 vols. 1800-1843, 1897--in Quarter Sessions Docket, entry 205.

Calendar of cases listed for trial in quarter sessions court, showing court term and case no.; names of defendant, prosecutor, and attorneys; list of jurors; and character of case. Arr. chron. by court term. No index. Hdw. Aver. 300 pp. 14 x 8 3/4 x 2. 3 vols.; 1844-51, bsmt. vlt. A; 1 vol., 1844-96, off. vlt.

194. WATCH BOOK, 1884--. 2 vols. Title varies: Argument Book, 1884-1910, 1 vol.

Record of motions filed for argument in quarter sessions court, showing court term and case no., date filed, names of parties and attorneys, character of motion, date heard, and disposition. Arr. chron. by court term. No index. Hdw. Amer. 300 pp. 14 x 9 x 2.

Papers and Dockets

195. QUARTER SESSIONS (Criminal Cases), 1800--. 118 f.b. (dated).

Papers filed in criminal proceedings in quarter sessions court, showing court term and case no.; names of parties, witnesses, attorneys, jurors, and prosecutor; date and character of paper; charge; pleas; costs; disposition; and official seals and signatures. Also contains: Recognizance (Bonds), 1800-1929, entry 191; (Murder Cases), 1800-1906, entry 197; and Juvenile Court, 1800-1916, entry 211. Arr. chron. by court term. No index. Hdw. 1800-1908; typed 1908--. 10 x 5 x 14. 50 f.b., 1800-1887, rec. off.; 68 f.b. 1888--. off. vlt.

196. JUSTICES RETURNS, 1883--. 12 vols. (dated).

Recorded copies of proceedings in criminal cases heard before Justice of the peace and continued for court, showing court term and case no.; names of defendant, witnesses, and

prosecutor; charge; date and place of arrest; amount of bail bond; and names of arresting officer and justice of the peace. Arr. chron. by court term. No index. Hdw. Aver. 400 pp. 14 $\frac{1}{2}$ x 9 $\frac{1}{2}$ x 2.

197. (MURDER CASES), 1907--. 12 f.b. (labeled by name of defendant). 1800-1906 in Quarter Sessions (Criminal Cases), entry 195.

Papers filed in individual murder cases heard in oyer and terminer court, showing court term and case no.; names of defendant, attorney, witnesses, jurors, and judge; date of trial; surcharge; plea; verdict; and disposition. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

198. ORDER OF PAROLE, 1924--. 2 f.b. 1911-23 in Miscellaneous Files (Quarter Sessions Court), entry 203.

Petitions filed for order of parole, showing date filed, name of prisoner, term of sentence, date of expiration, name of penal institution, nature of offense, name and address of petitioner, disposition, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

199. CONDEMNATION PROCEEDINGS, 1931--. 1 f.b.

Petitions filed by county commissioners for court order to destroy seized gambling devices, showing court term, date filed, type of article, date approved, and signatures of judge and commissioners. Arr. chron. by term of court. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

200. STENOGRAPHIC NOTES, 1917-31. 4 f.b. (labeled by name of defendant).

Notes of testimony taken in individual criminal cases heard in oyer and terminer court, showing court term and case no., names of parties and attorneys, and nature of testimony. No obvious arr. No index. Hdw. 10 x 5 x 14.

201. OPINION OF COURT, 1905--. 2 f.b. 1800-1904 in Miscellaneous Files (Quarter Sessions Court), entry 203.

Opinions of judges of quarter sessions court, showing court term and case no.; names of parties, attorneys, and judge; nature of case and opinion; date rendered; and official seals and signatures. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

202. SUPERIOR COURT PAPERS, 1902-18. 1 f.b. (labeled by name of defendant).

Papers filed in an individual criminal case appealed to Superior Court, showing court term and case no.; names of parties, attorneys, and judge; character of case; disposition of lower court; dates appealed and returned; order of higher court; and official seals and signatures. No obvious arr. No index. Typed. 10 x 5 x 14.

203. MISCELLANEOUS FILES (Quarter Sessions Court), 1800--. 10 f.b. (dated).

Papers filed in civil and criminal proceedings, showing court term and case no.; names of parties, attorneys, and witnesses; character of instrument; cause for action; decree of court; date filed; and official seals and signatures. Also contains: Bonds, Constables, Bastardy, Commissioners Oath of Office, 1800-1923, entry 189; Order of Parole, 1911-23, entry 198; Opinion of Court, 1800-1904, entry 201; Certificate of Election and Oaths, 1909--, entry 204; and Constable Returns, 1800-1898, 1905--, entry 213. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

204. CERTIFICATE OF ELECTION AND OATHS, 1879-1909. 1 f.b. 1909-- in Miscellaneous Files (Quarter Sessions Court), entry 203.

Petitions and appointments of election officers, showing court term and case no., name of civil division, district no., names of parties, title of office, cause for action, affidavit of petitioner, dates filed and approved, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

205. QUARTER SESSIONS DOCKET, 1800--. 32 vols. (A-0, 1-17).

Record of criminal and civil cases heard in quarter sessions court, showing court term and case no.; names of defendant, attorneys, witnesses, prosecutor, jurors, and judge; date of trial; character of case; plea; verdict; disposition; and costs. Also contains: Minute Books, 1800-1873, entry 186; Trial Docket, 1800-1843, 1897--, entry 193; Oyer and Terminer Docket, 1937--, entry 207; Road Docket, 1800-1848, entry 210; and Juvenile Court Docket, 1800-1915, entry 212. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. fm. Aver. 700 pp. 16 x 12 x 3.

206. QUARTER SESSIONS BLOTTER, 1883-84. 1 vol. (dated).

Primary record of quarter sessions court proceedings and later transcribed into Quarter Sessions Docket, showing information as in entry 205. Arr. chron. by court term. No index. Hdw. 14 x 9 x 2.

207. OYER AND TERMINER DOCKET, 1823-1936. 7 vols. Title varies: Records, 1823-72. 6 vols. 1937-- in Quarter Sessions Docket, entry 205.

Record of major criminal cases heard in oyer and terminer court, showing court term and case no., names of defendant, witnesses, prosecutor, attorneys, jurors, and judge; date of civil surcharge; pleas; verdict; sentence; and costs. Arr. chron. by court term. No index, 1823-66; indexed alph. by first letter of surname of defendant, 1866-1936. Hdw. Aver. 480 pp. 14 x 8½ x 2. 5 vols., 1823-66, bsmt. A; 2 vols., 1867-1936, off. vlt.

Roads and Bridges
(See also entries 27-29)

208. ROADS AND BRIDGES, 1798--. 24 f.b. (dated). Papers filed in vacating, opening, reopening, constructing, and repairing of roads and bridges, showing court term and case no., name and location of bridge or road, date and character of paper filed, and official seals and signatures. Also contains: Depositions, 1800-1844, 1892--, entry 209. Arr. chron. by term of court. No index. Hdw. and typed. 10 x 5 x 14.

209. DEPOSITIONS, 1845-91. f.b. (dated). 1800-1844, 1892-- in Roads and Bridges, entry 208. Notes of testimony taken from witnesses in road cases, showing court term and case no.; names of parties, witnesses, and attorneys; date and place testimony was taken; nature of testimony; and official seals and signatures. Arr. chron. by court term. No index. Hdw. 10 x 5 x 14.

210. ROAD DOCKET, 1849--. 4 vols. (A-D). 1800-1848 in Quarter Sessions Docket, entry 205. Record of viewers' reports on roads and bridges, showing court term and case no., location and description of project, findings, names and viewers, and date of approval by court. Arr. chron. by court term. No index. Hdw. and typed. Aver 500 pp. 12 x 18½ x 2½.

Juveniles

211. JUVENILE COURT, 1916--. 2 f.b. (dated). 1800-1915 in Quarter Sessions (Criminal Cases), entry 195.

Papers filed in juvenile court proceedings, showing court term and case no.; names of juvenile delinquent, prosecutor, complainant, parents, and judge; charge; notes of testimony; disposition; and official seals and signatures. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

For probation officer's record of juveniles, see entry 299.

212. JUVENILE COURT DOCKET, 1916--. 2 vols. (dated). 1800-1915 in Quarter Sessions Docket, entry 205.

Record of proceedings in juvenile delinquency cases, showing court term and case no.; name, address, and age of delinquent; charge; name of prosecutor; date of hearing; disposition; costs; and names of parents or guardian and of presiding judge. Arr. chron. by court term. Indexed alph. by first letter of surname of juvenile. Hdw. Aver. 350 pp. 12 x 17 x 1 3/4.

Constables.

213. CONSTABLE RETURNS, 1899-1904. 2 f.b., 1 bd1. 1800-1898, 1905-- in Miscellaneous Files (Quarter Sessions Court), entry 203.

Reports of constables on law violations, showing court term; names of civil division, offender, and witnesses; date and

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nature of violation; dates of report and filing; and official seals and signatures. Arr. chron. by date of report. No index. Hdw. on ptd. fm. F.b. 10 x 5 x 14; bdl. 3 x 2 $\frac{1}{2}$ x $\frac{1}{2}$. 2 f.b., 1899-1904, off. vlt.; 1 bdl., 1904, bsmt. vlt. A.

Coroner
(See also entry 297)

214. CORONERS INQUEST, 1925--. 1 f.b.

Reports of coroner's inquest, showing name and address of deceased; date, place, and cause of death; date of inquest; names of witnesses and jurors; costs; and signature of coroner. Arr. chron. by date of inquest. No index. Hdw. on ptd. fm. 10 x 5 x 14.

Licenses and Registration
(See also entries 164-172, 290, 304-315)

215. PETITIONS AND PONDS (Liquor License), 1820-1921.

17 f.b. (dated). Discontinued as county record; subsequent records kept by State Liquor Control Board.

Petitions and bonds filed for liquor licenses, showing court term and case no., name and address of petitioner, type of license, location and description of building, name of owner; names and addresses of electors, disposition, date and amount of bond, name of surety, date filed, and official seals and signatures. Arr. chron. by court term. No index. Hdw. on ptd. fm. 10 x 5 x 14.

216. STALLION, 1894--. 1 f.b.

Certificates of registered stallions, showing date; certificate no.; name and address of owner; age, pedigree, and description of stallion; conditions and terms; date filed; and signatures of owner and clerk of courts. Arr. chron. by date of registration. No index. Hdw. on ptd. fm. 10 x 5 x 14.

217. MOTOR VEHICLE AFFIDAVITS, 1919-23. 2 f.b. Dis-

continued as county record; subsequent records kept by State Bureau of Motor Vehicles. Title varies: Purchase of Used Motor Vehicle by Vendee, 1922-23, 1 f.b.

Affidavits of sale of used motor vehicles, showing date filed; names and addresses of vendor and vendee; type, make, engine serial no., and description of vehicle; date of sale; and signatures of vendor and vendee. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

218. (Applications for) PEDDLERS LICENSES, 1827--. 1 f.b. (dated).

Show date of application, name and address of applicant, type of commodity to be sold, amount of fee, and date license granted. Arr. chron. by date of application. No index. Hdw. 10 x 5 x 14.

For veterans' petitions for peddlers licenses, see entry 172.

Accounts

219. SUPPORT AND MAINTENANCE, 1936--. 1 f.d.

Record of payments of support orders, showing names of parties; court term and case no.; employment status of defendant; date, type, and amount of order; and date and amount of payment. Arr. alph. by first letter of surname of defendant. No index. Typed on ptd. fm. 14 x 16 x 18.

220. (CANCELED CHECKS AND STUBS), 1936--. 1 f.b., 4 vols.

Canceled checks issued in payment of support orders and stub record, showing date, check no., names of parties, amount, name of bank, and signature of recipient. Arr. num. by check no. No index. Hdw. on ptd. fm. F.b. 10 x 5 x 14; vols. aver. 200 pp. 20 x 14 x 1. 4 vols., 1940--, off.; 1 f.b., 1936-39, off. vlt.

Miscellaneous

221. TOWNSHIP AUDITORS REPORTS, 1874--. 5 f.b. (dated).

Auditors' statements of resources and liabilities of boroughs and townships, showing date, name of civil division, assessed valuation of property, itemized statement of receipts and expenditures, amount of taxes collected, deductions allowed, amount of delinquent taxes, date filed, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

222. TAX LIST, 1814. 1 f.b.

Assessors' reports of taxables, showing date; name of civil division; name, address, and occupation of taxable; assessed valuation of property; and signature of assessor. Arr. alph. by name of civil division. No index. Hdw. 10 x 5 x 14.

V. REGISTER OF WILLS

For 21 years after the formation of Adams County in 1800 the prothonotary acted as recorder of deeds, register of wills, and clerk of courts. In 1821 a separate recorder of deeds and register of wills was appointed who acted also as clerk of courts, and 2 years later this man was designated prothonotary as well. In 1824 the offices of register and recorder, combined under one man, were separated from the other clerical offices. This separation was recognized by the special act of 1839.¹ A single official has filled the offices of both recorder and register since that time.

The Constitution of 1790 had vested the power of appointment of the register in the Governor.² In 1838, by constitutional provision the office became elective for a term of 3 years.³ The term remained unchanged under the Constitution of 1874, but was increased to 4 years by amendment in 1909.⁴ Like all county officers the register of wills must be an American citizen and a resident of the county for at least 1 year before assuming office.⁵ Vacancies are filled by the Governor until a new register is chosen in the first municipal election which takes place 2 or more months after the occurrence of the vacancy.⁶ The register of wills may not at the same time act as county treasurer,⁷ nor may he serve as controller during his term of office or for 2 years thereafter.⁸ The register is exempt from military service.⁹ He is not permitted to practice as an attorney in orphans' court.¹⁰

Before assuming office the register of wills must take an oath.¹¹ A special oath is required when presenting his accounting of money received from the State.¹² In addition the register is obliged to give bond.¹³ At first his bond was recorded in orphans' court,¹⁴ but now it is recorded by

1. 1839 P.L. 559 sec. 1.
2. Const. 1790, art. V, sec. 11.
3. Const. 1838, art. VI, sec. 3.
4. Const., art. XIV, sec. 2 as am. 1909; 1929 P.L. 1278 sec. 220.
5. Const., art. XIV, sec. 3.
6. 1929 P.L. 1278 sec. 60 am. 1951 P.L. 401 sec. 1.
7. 1841 P.L. 400 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 142.
8. 1895 P.L. 403 No. 288 sec. 2 and 1909 P.L. 434 No. 242 sec. 2, both rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 132.
9. 1887 P.L. 23 sec. 110 sup. 1899 P.L. 266 sec. 2.
10. 1834 P.L. 333 sec. 75; 1929 P.L. 1278 sec. 223.
11. Const., art. VII, sec. 1; 1705-6, II St. at L. 267 sec. 2; 1777, IX St. at L. 68 sec. 2; 1832 L. 135 sec. 1 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 1(a).
12. 1830 P.L. 272 sec. 8.
13. 1705-6, II St. at L. 194.
14. 1917 P.L. 415 secs. 1(b), 2; 1929 P.L. 1278 secs. 225, 232.

the recorder of deeds who transmits it to the Secretary of the Commonwealth.¹⁵ The register is required by law to keep a deputy to officiate in his absence, for whose conduct he and his sureties are accountable. The deputy should be able to take the probate of wills, grant letters testamentary and of administration and to do whatever else appertains to the office of register by law.¹⁶

Functions and Records

The register has jurisdiction over the probate of wills and the granting of letters testamentary and of administration.¹⁷ The estates under his jurisdiction are those of decedents who resided within the county or the bulk of whose estate lies in the county.¹⁸ He has considerable discretion in selecting administrators.¹⁹ Moreover, the register is permitted to revoke any letters of administration which were granted to persons who are not next of kin or which were given for the estate of a decedent whose will is later found, proven, and admitted to probate.²⁰ The register of wills grants letters in the case of presumed decedents, however, only on order of the orphans' court.²¹ Upon granting letters the register must take a bond from all administrators²² and from all executors who are not residents of the Commonwealth.²³ Exceptions to such bonds may be filed, and the register determines whether or not they shall be allowed.²⁴ The register also is empowered to administer oaths. He must do so for all persons to whom he grants letters testamentary or of administration.²⁵

15. 1712, II St. at L. 421 sec. 2; 1777, IX St. at L. 68 and 1832 P.L. 135 sec. 1 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 1(b), 2.

16. 1777, IX St. at L. 68 sec. 5 am. 1832 P.L. 135 sec. 4 rep. 1917 P.L. 15 sec. 26 but reen. in sec. 2; 1874 P.L. 43 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 233; 1929 P.L. 1278 sec. 59 am. 1931 P.L. 401 sec. 1; 1929 P.L. 1278 sec. 224 am. 1931 P.L. 401 sec. 1 further am. 1933 P.L. 952.

17. 1705-6, II St. at L. 194 sec. 6; 1777, IX St. at L. 68 sec. 3; 1795, XV St. at L. 359 sec. 2; 1832 P.L. 135 sec. 5 rep. 1917 P.L. 415 sec. 26 but reen. in secs. 3, 4, 6, 7.

18. 1832 P.L. 135 sec. 6 rep. 1917 P.L. 447 sec. 63 but reen. as am. in sec. 2(a).

19. Simmons' Estate, 3 Phila. 172 (1858); Brubaker's Appeal, 98 Pa. 21 (1881).

20. 1917 P.L. 415 sec. 5; 1917 P.L. 447 sec. 6(b); Thomas' Appeal, 57 Pa. 356 (1868).

21. 1917 P.L. 447 sec. 6(a).

22. 1712-13, III St. at L. 14 sec. 1 rep. 1917 P.L. 363 sec. 34; 1794, XV St. at L. 80 sec. 1 rep. 1917 P.L. 447 sec. 63; 1832 P.L. 135 sec. 24 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 8(a).

23. 1833 P.L. 135 sec. 16 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 8(c).

24. 1917 P.L. 447 sec. 8(f).

25. 1712, II St. at L. 421; 1777, IX St. at L. 68 sec. 3; 1795, XV St. at L. 359 sec. 2; 1832 P.L. 135 sec. 14 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 7.

Whenever a caveat is entered against the probate of a will or there is a dispute as to the granting of letters, the orphans' court may direct the register to certify the whole record to the court.²⁶ In such proceedings a bond for the payment of costs must be filed with the register,²⁷ who determines the amount of costs and by whom they shall be paid.²⁸

The register may issue a citation to anyone in possession of a testamentary writing requiring its production for probate. If the person served refuses to comply, the register must forward a record of the proceedings to the orphans' court.²⁹ He may also issue citations to persons interested in the estate of a presumed decedent to show cause why an alleged will should not be probated.³⁰ In probate proceedings the register has the power to subpoena witnesses and issue attachments to compel appearance,³¹ to issue rules, and to take depositions of witnesses outside the county.³²

The register is the agent of the Commonwealth for the collection of taxes from decedents' estates,³³ and in this capacity must give a bond.³⁴ He must make monthly returns to the Department of Revenue, paying the taxes collected into the State Treasury.³⁵ Whenever any collateral inheritance tax is paid to the State erroneously, the register makes application for a refund.³⁶ Before 1927 he appointed appraisers to evaluate estates subject to transfer inheri-

26. 1712, 2 U.S. Stat. 421 sec. 3 provided that the register call to his aid two or more justices to help him in settling these matters; 1832 P.L. 135 sec. 12 rep. 1917 P.L. 415 sec. 26 but reen. in secs. 18, 19 (the act of 1832 gave the jurisdiction over these cases to the register's court which was abolished by Const. art. V, sec. 2. Its duties were transferred to the orphans' court); 1917 P.L. 363 sec. 21(d) added 1937 P.L. 2665 am. 1939 P.L. 94.

27. 1887 P.L. 359 No. 246 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 20(a, b).

28. 1917 P.L. 415 sec. 20(c).

29. 1832 P.L. 135 sec. 7 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 8.

30. 1887 P.L. 155 No. 122 am. 1915 P.L. 689 No. 315 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 6(c).

31. 1832 P.L. 135 sec. 8 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 9.

32. 1832 P.L. 135 sec. 9 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 10.

33. 1826 P.L. 227 sec. 2; 1849 P.L. 570 sec. 16 sup. 1887 P.L. 79 sec. 16 am. 1891 P.L. 59 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 21 am. 1937 P.L. 1597 sec. 1.

34. 1841 P.L. 99 sec. 4 sup. 1887 P.L. 79 sec. 16 am. 1891 P.L. 59 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 21 am. 1937 P.L. 1597 sec. 1; 1919 P.L. 521 sec. 22.

35. 1844 P.L. 564 sec. 3 sup., 1887 P.L. 79 sec. 9 rep. 1919 P.L. 1521 sec. 47; 1850 P.L. 170 sec. 4 sup. 1887 P.L. 79 sec. 19 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 23; 1929 P.L. 343 sec. 608.

36. 1878 P.L. 206 am. 1901 P.L. 59 No. 25 sup. 1919 P.L. 521 sec. 40.

tance taxes.³⁷ The Auditor General now has supervision over such appraisements.³⁸ The register, however, still records returns of the appraisers and transmits a monthly statement of them to the Department of Revenue.³⁹

A fiduciary in possession of property subject to the inheritance tax must file an inventory with the register. If it is not filed within a certain time, the register cites the fiduciary to do so. He applies to the orphans' court to enforce payment of taxes remaining unpaid 1 year after the death of the decedent. In securing information on the collection of taxes, the register has the power to issue subpoenas to compel the production of evidence, to issue attachments to compel the appearance of witnesses, and to administer oaths.⁴⁰ Overseers of real estate inherited from a resident decedent must make a return to the register within 1 year after the death of the decedent and give security for payment of the inheritance tax.⁴¹

At various dates prior to 1937 the register of wills had certain responsibilities at election time. Whenever the judges were prevented or disqualified from acting on the return board, the register of wills, along with certain other county officers, took their places.⁴²

Provision has always been made for appeals from the decisions of the register of wills.⁴³ Until 1874 they were made to the register's court,⁴⁴ but since that time they have been made to the orphans' court.⁴⁵

The records of the register of wills reflect his manifold duties. The file boxes labeled "Estate" contain all

37. 1849 P.L. 570 sec. 12 am. 1850 P.L. 170 sec. 2 sup. 1887 P.L. 79 sec. 12 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 10; 1895 P.L. 325 sec. 2 sup. 1919 P.L. 521 sec. 12; Lumatic's Estate, 11 York 4 (1897).

38. 1927 P.L. 727; 1929 P.L. 343 sec. 1202 am. 1931 P.L. 318 sec. 1 further am. 1935 P.L. 1029 sec. 2.

39. 1919 P.L. 521 sec. 14 am. 1923 P.L. 1078 sec. 2; 1929 P.L. 343 sec. 724.

40. 1841 P.L. 99 secs. 1, 2 and 1849 P.L. 570 sec. 15 sup. 1887 P.L. 79 secs. 8, 15 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 15 am. 1923 P.L. 1078 sec. 3.

41. 1919 P.L. 521 sec. 3.

42. 1799, 3 Sm.L. 340 sec. 13 rep. 1839 P.L. 519 sec. 174; 1874 P.L. 31 sec. 13 am. 1899 P.L. 127 further am. 1909 P.L. 425 further am. 1923 P.L. 267 No. 171 further am. 1925 P.L. 103 rep. 1937 P.L. 1333 sec. 1901.

43. At first the high court of errors and appeals had the right of final decision. 1780, X St. at L. 52 secs. 1, 3.

44. A register's court was provided for in the Const. 1790, art. V, sec. 7 and the Const. 1838, art. V, secs. 1, 7 but abolished Const., art. V, sec. 22 which transferred its jurisdiction to the orphans' court.

45. 1832 P.L. 135 sec. 31 rep. 1917 P.L. 415 sec. 26 but reen. as am. in sec. 21(a); 1917 P.L. 363 secs. 9(m), 21(a).

wills filed for probate since the formation of the county. This is the result of a statutory provision requiring that all wills remain in the office of the register except when required by a higher tribunal by certiorari or otherwise.⁴⁶ In case of translation, the translation is filed with the original.⁴⁷ In Adams County the bonds of administrators are kept in the same files. The Will Book, which now consists of 21 volumes, also was begun at the time of the formation of the county, and it is a record of the wills filed with the register.⁴⁸ This record is indexed by the Decedents Index.

The Registers Court Docket is the record in which the register keeps all information pertaining to the administration of those estates in which the will has been contested. The Release Book, which has only been kept since 1883, contains a record of renunciations by administrators of the right to administer.

Since 1800 bonds filed by fiduciaries who have had letters granted to them, are found in the Administrators and Other Bonds.⁴⁹ These also contain bonds of nonresident executors.⁵⁰ The register must also keep on file bonds for the payment of costs in cases where a caveat is entered against the probate of a will or where there is a dispute concerning the granting of letters.⁵¹ Either the register of wills or clerk of the orphans' court must file the appointment of a resident upon whom process may be served for a foreign corporation to whom letters have been issued.⁵²

The register must record and index all inventories and appraisements⁵³ and must file inventories of personal property subject to the inheritance tax. The latter inventories are prepared by the fiduciaries⁵⁴ and together with the appraisements are found in Adams County since 1800. A docket which constitutes a record of copies of these inventories and appraisements has been kept only since 1885 despite legislation requiring such a record at a much earlier date.⁵⁵

46. 1832 P.L. 135 sec. 17 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 11; 1832 P.L. 135 sec. 12 and 1889 P.L. 48 No. 49, both rep. 1917 P.L. 415 sec. 26 but reen. in sec. 15.

47. 1917 P.L. 415 sec. 12(a).

48. 1832 P.L. 135 sec. 17 rep. 1917 P.L. 415 sec. 26 but reen. in sec. 11.

49. 1712-13, III St. at L. 14 sec. 1 rep. 1917 P.L. 363 sec. 34; 1794, XV St. at L. 80 sec. 1 rep. 1917 P.L. 447 sec. 63; 1832 P.L. 135 sec. 24 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 8(a).

50. 1832 P.L. 135 sec. 16 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 8(c).

51. 1917 P.L. 415 sec. 20(b).

52. 1917 P.L. 447 sec. 57(a).

53. 1917 P.L. 415 sec. 13.

54. 1919 P.L. 521 sec. 15; 1923 P.L. 1078 sec. 3.

55. 1832 P.L. 135 sec. 16 rep. 1917 P.L. 447 sec. 63; 1885 P.L. 155 No. 121 sec. 1 rep. 1917 P.L. 145 sec. 26 but reen. in sec. 13.

The same legislation required an index to this record which was kept at first, but was discontinued in Adams County in 1916.⁵⁶ Since 1917 appraisements of estates for which no letters have been granted have been kept separately. Before that they were kept with all other inventories and appraisements.

The Collateral Docket, which has been carefully kept since 1849, is a record of collateral inheritance taxes due and paid on decedents' estates. Similar record is kept separately for direct taxes from 1917 to date. It is kept so that the register will have the information which he needs for the reports which he must make to the Department of Revenue.⁵⁷ Recorded copies of appraisements of decedents' estates for the payment of collateral inheritance taxes were kept in Adams County only from 1885 to 1915.⁵⁸ There are several different kinds of receipt stubs, one group pertaining to collateral inheritance taxes, another to transfer inheritance taxes, and another to expenses of appraisers.

Since 1926 the register of Adams County has kept duplicates of monthly reports to the Auditor General for inheritance taxes collected.⁵⁹

Accounts of fiduciaries are filed with the register who transmits them to the orphans' court and notifies all the parties concerned.⁶⁰

The register formerly kept records of marriages, births, and deaths, together with general indexes to these records in separate books. These duties have been taken over by the State Bureau of Vital Statistics.⁶¹ There are no accounts kept separately by the register of wills of Adams County.⁶²

56. 1832 P.L. 135 sec. 15 rep. 1917 P.L. 447 sec. 63; 1885 P.L. 155 No. 121 sec. 1 rep. 1917 P.L. 145 sec. 26 but reen. in sec. 13.

57. 1844 P.L. 564 sec. 3 sup. 1887 P.L. 79 sec. 9 rep. 1919 P.L. 521 sec. 47; 1850 P.L. 170 sec. 4 sup. 1887 P.L. 79 sec. 17 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 23; 1929 P.L. 343 sec. 608.

58. 1826 P.L. 227 sec. 2; 1849 P.L. 570 sec. 15 and 1855 P.L. 425 sec. 3, both sup. 1887 P.L. 79 sec. 14 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 14 am. 1923 P.L. 1078 sec. 2.

59. 1884 P.L. 564 sec. 3 sup. 1887 P.L. 79 sec. 9 rep. 1919 P.L. 521 sec. 47; 1850 P.L. 170 sec. 4 sup. 1887 P.L. 79 sec. 19 rep. 1919 P.L. 521 sec. 47 but reen. in sec. 23; 1929 P.L. 343 sec. 608.

60. 1797, XV St. at L. 543 and 1823 P.L. 286 sec. 1 both rep. 1917 P.L. 447 sec. 63 but reen. in sec. 46(d); 1832 P.L. 135 secs. 5, 30 rep. 1917 P.L. 415 sec. 26; 1863 P.L. 341 sec. 1 rep. 1917 P.L. 337 sec. 45; 1917 P.L. 447 sec. 46(a).

61. 1852 P.L. 2 rep. 1855 P.L. 4. See act of 1907 P.L. 422 sec. 1 supp. 1915 P.L. 900 sec. 1; 1923 P.L. 498 sec. 201; 1927 P.L. 207 sec. 3.

62. 1868 P.L. 3 sec. 8 par. 7 as am. 1901 P.L. 175 sec. 1, required that the register keep the accounts of his office. By the act of 1810, 5 Sm.L. 105 these accounts had to be forwarded to the Auditor General. This act was rep. as to counties with a population under 150,-000, 1874 P.L. 125 sec. 1 as am. 1921 P.L. 69 further am. 1937 P.L. 2786.

Unless otherwise indicated records of the register are to be found in the office vault.

Wills and Administrations

223. ESTATES, 1799--. 68 f.b. (labeled by contained will nos.). Title varies: Wills and Administration Bonds, 1799-1937, 61 f.b.

Wills filed for probate and bonds posted by administrators, showing date and character of instrument; name and address of decedent; will no.; terms and conditions of will; name of administrator; date, amount, and conditions of obligation of bond; date filed; and official seals and signatures. Arr. num. by will no. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

224. WILL BOOK, 1800--. 21 vols. (A-U).

Recorded copies of wills filed for probate, showing date filed; will no.; names of decedent, testator, fiduciary, heirs, and witnesses; terms and conditions of will; affidavit of proof of death; and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surname of decedent; for separate index, see entry 225. Hdw. 1800-1924; typed 1924--. Aver. 640 pp. 18 x 12 x 3.

225. DECEDENTS INDEX, 1800--. 8 vols. (labeled by contained letters of alphabet). Title varies: Decedents Index Prior to 1864, 1800-1864, 1 vol.

Index to Will Book, entry 224; Release Book, 1883--, entry 229; and Administrators and Other Bonds, entry 230; showing names of decedent and administrator, date and character of instrument, and vol. and p. reference. Arr. alph. by first letter of surname of decedent. Hdw. on ptd. fm. Aver. 500 pp. 18 x 15 x 2 3/4.

226. GENERAL INDEX, 1800-1881. 2 vols.

Obsolete index to Will Book, entry 224; and to Administrators and Other Bonds, entry 230, showing information as in Decedents Index, entry 225. Arr. alph. by first letter of surname of decedent. Hdw. Aver. 800 pp. 19 x 13 x 4. Bsm. vlt. A.

227. REGISTERS COURT DOCKET, 1803--. 2 vols.

Record of petitions filed in contested wills and proceedings, showing date; names of decedent, proponents, caveators, and attorneys; character of instrument; court term and case no.; and disposition. Arr. chron. by date filed. Indexed alph. by first letter of surname of decedent. Hdw. and typed. Aver. 500 pp. 18 x 12 x 3.

228. REGISTERS COURT DOCKET, 1803-55. 1 vol.

Obsolete record of petitions filed in contested wills, showing same information as in entry 227. Arr. chron. by date

of recording. Indexed alph. by first letter of surname of decedent. Hdw. 30 pp. 10 x 16 x $\frac{1}{2}$. Bsmt. vlt. A.

229. RELEASE BOOK, 1883--. 6 vols. (A-F). 1799-1882 in Deed Book, entry 53.

Record of renunciations of fiduciaries' right to administer decedents' estates, showing date; release no.; names of decedent, fiduciaries, and heirs; value of estate; and dates accounts filed and of release. Arr. chron. by dates recorded. Indexed alph. by first letter of surnames of grantee and grantor; for separate index, see entry 225. Hdw. 1883-1927; typed 1927--. Aver. 600 pp. 18 x 12 x 3.

Bonds

230. ADMINISTRATORS AND OTHER BONDS, 1800--. 13 vols. (3 vols. A-C; 10 vols. 4-13). Title varies: Administration Bonds, 1800-1895, 7 vols.

Recorded copies of bonds posted by administrators of decedents' estates, showing names of decedent, administrator, and surety; date, type, amount, and conditions of obligations of bond; official signatures; and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surname of administrator; for separate index, see entry 225. Hdw. on ptd. fm. Aver. 550 pp. 18 x 13 x 3.

For original bonds, see entry 223.

Inventory and Appraisements

231. INVENTORY AND STATE APPRAISEMENTS, 1800--. 77 f.b. (labeled by contained estate nos.). Title varies: Inventory and Vendue List, 1800-1933, 70 f.b.

Inventories and appraisements of decedents' estates, showing estate no., name and address of decedent, itemized list of property, appraised value, total, oath and signature of appraiser, and date filed. Also contains: Appraisement No Letters Granted, 1800-1916, entry 234. Arr. num. by estate no. No index. Hdw. 1800-1916; typed 1917--. 10 x 5 x 14.

232. INVENTORY AND APPRAISEMENTS, 1885--. 20 vols. (A-T).

Recorded copies of inventories and appraisements of decedents' estates, showing estate no., date of appraisement, names of decedent and appraiser, oath of appraiser, itemized list of chattels and appraised valuation, total value, and date recorded. Arr. chron. by date recorded. For index, 1865-1916, see entry 233; indexed alph. by first letter of surname of decedent. Hdw. on ptd. fm. Aver. 510 pp. 18 x 12 $\frac{1}{2}$ x 2 $\frac{1}{4}$.

233. INDEX TO INVENTORY AND APPRAISEMENTS, 1885-1916. 2 vols. Discontinued.

Index to Inventory and Appraisements, entry 232, showing name of decedent, estate no., and vol. and p. reference. Arr. alph. by first letter of surname of decedent. Hdw. Aver. 250 pp. 14 x 9 x 1 3/4.

234. APPRAISEMENTS NO LETTERS GRANTED, 1917--. 2 f.b. (A-K; L-Z). 1800-1916 in Inventory and State Appraisements, entry 231.

Appraisements filed for letters of administration which have been voided, showing date, estate no., names of decedent and appraiser, appraised value, amount of liabilities, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

Inheritance Taxes

235. COLLATERAL DOCKET, 1849--. 4 vols. (3 vols. labeled A, D, E; 1 vol. unlabeled). Last entry 1926. Title varies: Record Book, 1874-90, 1 vol.

Record of collateral inheritance tax due and paid on decedents' estates, showing estate no; name and address of decedent; date of death; date and character of letters granted; names of fiduciary, attorneys, and appraisers; appraised value of estate; amounts subject to taxation; deductions, abatements, or penalties; and dates and amounts of payments. Arr. chron. by date letters granted. Indexed alph. by first letter of surname of decedent. Hdw. and hdw. on ptd. fm. Aver. 400 pp. 16 x 12 x 2.

236. COLLATERAL INHERITANCE INVENTORY, 1885-1918. 3 vols. (A-C). Discontinued.

Recorded copies of appraisements of decedents' estates for collateral inheritance tax, showing estate no., name and address of decedent, description and location of real and personal property, itemized list of chattels and appraised valuation, total value, name and oath of appraiser, date of appraisement, and date recorded. Arr. chron. by date recorded. Indexed alph. by first letter of surname of decedent; for separate index, see entry 237. Hdw. on ptd. fm. Aver. 525 pp. 18 x 12 x 2 $\frac{1}{2}$.

237. INDEX TO COLLATERAL INHERITANCE INVENTORY, 1885-1918. 1 vol. Discontinued.

Index to Collateral Inheritance Inventory, entry 236, showing name of decedent, estate no., and vol. and p. reference. Arr. alph. by first letter of surname of decedent. Hdw. 250 pp. 14 x 9 x 1 3/4.

238. (Transfer) INHERITANCE TAX DOCKET, 1917--. 2 vols. (1, 2). Title varies: Direct Inheritance Tax Docket, 1917-36, 1 vol.

Record of inheritance taxes due and paid on decedents' estates, showing name and address of decedent; date of death; date and character of letters granted; names of fiduciary, attorneys, and appraisers; appraised value of estate; amount subject to taxation; deductions; abatements or penalties; dates and amounts of payments; and estate no. Arr. chron. by date letters granted. Indexed alph. by first letter of surname of decedent. Hdw. on ptd. fm. Aver. 300 pp. 19 $\frac{1}{2}$ x 15 x 2 $\frac{1}{2}$.

239. (RECEIPT STUBS OF COLLATERAL INHERITANCE TAX), 1906-26. 6 vols.

Receipt stubs of collateral inheritance taxes paid, showing receipt no., date paid, name of appraiser, name and address of decedent, appraised value of estate, amount paid, and signature of register. Arr. chron. by date paid. No index. Hdw. on ptd. fm. Aver. 150 pp. 13 x 8 $\frac{1}{2}$ x 1 $\frac{1}{2}$.

240. (RECEIPT STUBS OF TRANSFER INHERITANCE TAXES), 1919--. 23 vols.

Receipt stubs of transfer inheritance taxes paid, showing date, name and address of decedent, appraised value of estate, amount subject to taxation, deductions, and amount paid. Arr. chron. by date paid. No index. Hdw. on ptd. fm. Aver. 540 pp. 16 $\frac{1}{2}$ x 8 $\frac{1}{2}$ x 1 $\frac{1}{2}$.

241. (APPRAISERS EXPENSES, RECEIPT STUBS), 1917-29. 3 vols. Discontinued.

Stubs of receipts for expenses paid to appraisers for appraisal of estates for inheritance tax, showing date; receipt no.; names of decedent, appraiser, and register; location of estate; days of service; rate per diem; travel expenses; amounts; totals; and date paid. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Aver. 100 pp. 13 x 7 x 1 $\frac{1}{2}$.

Vital Statistics
(See also entries 276, 283)

242. REGISTER OF BIRTHS, 1852-55. 1 vol.

Record of births, showing date recorded; name, sex, color, and date and place of birth of child; names and address of parents; and occupation of father. Arr. alph. by first letter of surname of child. No index. Hdw. on ptd. fm. 400 pp. 12 x 18 x 2. Clk of cts. off. vlt.

243. MARRIAGE CERTIFICATES (Unclaimed), 1859-97. 1 bdl.

Certificates left for recording and not claimed, showing certificate no., date filed, names of parties and person officiating, date and place of marriage, and official seals and signatures. Arr. chron. by date of certificate. No index. Hdw. on ptd. fm. 3 x 5 x $\frac{1}{4}$. Bsmt. vlt. A.

244. REGISTRATION OF MARRIAGES, 1852-55. 1 vol.

Register of marriages, showing names, addresses, ages, color, dates and places of birth, and occupations of parties; date and place of ceremony; name of officiating party; date registered; and signature of register. For index, see entry 245. Hdw. on ptd. fm. 500 pp. 13 x 17 x 3. Clk. of cts. off. vlt.

245. INDEX OF MARRIAGES, 1852-55. 1 vol.

Index to Registration of Marriages, entry 244, showing names of parties, date of marriage, and vol. and p. reference. Arr. alph. by first letter of surnames of parties. Hdw. on ptd. fm. 500 pp. 15 x 17 x 2.

246. REGISTER OF DEATH, 1852-55. 1 vol.

Register of deaths in county, showing name of civil division; name, age, color, sex, occupation, and marital status of deceased; dates and places of birth, death, and interment; duration of last illness; cause of death; names of parents; and date recorded. Arr. alph. by first letter of surname of deceased. No index. Hdw. 400 pp. 14 x 16 x 2. Clk. of cts. off. vlt.

Miscellaneous

247. (MONTHLY REPORTS OF REGISTER), 1909-14, 1926--.
16 f.b.

Duplicates of monthly reports to Auditor General for inheritance taxes collected, showing date, amount of tax, name of estate, amounts of other State taxes collected, total collected, deductions, amount of return, and signature of register. Arr. chron. by date of report. No index. Typed on ptd. fm. 10 x 5 x 14. 15 f.b., 1909-14, bsmt. vlt. A.; 1 f.b., 1926--, off.

VI. CLERK OF ORPHANS' COURT

Evolution and Structural Organization

Although the orphans' court as a legal entity had already been established when Adams County was created in 1800 the office of clerk of the orphans' court had not yet received definite legislative sanction. That individual who happened to serve in the capacity of prothonotary did also the work which in 1834¹ became isolated as that of clerk of the orphans' court. The special law of 1839 declared that the same individual who was to be designated clerk of the court of quarter sessions and over and terminer should also be clerk of the orphans' court,² and this has been the practice in Adams County ever since.

Like all county officers, the clerk of orphans' court must be an American citizen and a resident of the county for at least a year before assuming office.³ Vacancies are filled by the Governor to hold office until a new clerk is chosen in the first municipal election which takes place 2⁴ or more months after the occurrence of the original vacancy. No member of Congress or any other person holding office under the United States may at the same time hold this office. While in office the clerk may not also be justice of the peace⁵ or a county treasurer.⁶ He is not allowed to be county controller either during his term of office as clerk of orphans' court or for 2 years afterwards.⁷ He may not practice as an attorney in the orphans' court,⁸ and he is exempt from military service.¹⁰

Before assuming office the clerk must take an oath¹¹ and give a bond.¹² In Adams County he is paid by fees. If

1. 1834 P.L. 333 sec. 23; 1834 P.L. 333 sec. 56 rep. 1917 P.L. 363 sec. 24 but reen. in sec. 8(b-1).

2. 1839 P.L. 559 sec. 1.

3. Const., art XIV, sec. 3.

4. 1929 P.L. 1278 sec. 60 am. 1931 P.L. 401 sec. 1.

5. 1812, 5 Sm.L. 309 sup. 1874 P.L. 186 secs. 8-12 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 5.

6. 1874 P.L. 186 sec. 4; 1929 P.L. 1278 sec. 223.

7. 1841 P.L. 400 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 142.

8. 1895 P.L. 403 No. 288 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 132.

9. 1834 P.L. 333 sec. 75; 1929 P.L. 1278 sec. 223.

10. 1887 P.L. 23 sec. 110 sup. 1899 P.L. 266 sec. 2.

11. Const., art. VII, sec. 1; 1705-6, II St. at L. 267 sec. 2; 1834 P.L. 333 sec. 76; 1929 P.L. 1278 sec. 53.

12. 1830 P.L. 272 sec. 9; 1834 P.L. 333 sec. 76; 1929 P.L. 1278 sec. 225.

he receives more than \$4,000 in fees in any 1 year one-half of the excess must be turned over to the county treasurer for the use of the Commonwealth.¹³ A report of fees received must be sent to the Department of Revenue.¹⁴

The clerk of orphans' court may appoint a chief deputy to perform his duties when he is absent.¹⁵ Also when the office of clerk of orphans' court is vacant, the one designated as first deputy, after posting a bond acceptable to the court of common pleas, may discharge any of the duties of his principal until a successor has been appointed.¹⁶ Whenever the amount of business in the orphans' court makes it necessary, the clerk may appoint enough extra deputies to take care of the work at hand properly.¹⁷

Functions and Records

Custody of the records and the seal of the orphans' court is vested in the clerk who performs all the duties pertaining to the office under the direction of the court.¹⁸ If the judge of orphans' court is unable to attend court the clerk adjourns it from day to day.¹⁹ He signs and affixes the seal of the court to all writs issued by it and to all exemplifications of the records and processes of the court.²⁰ The power of administering oaths and affirmations in conducting the business of the orphans' court also belongs to the clerk.²¹

The clerk has several miscellaneous responsibilities. In arbitration cases where the prothonotary is a party to a suit, he may perform the prothonotary's duties.²² He esteats to the State all fines paid into the court,²³ and periodically sends to the Commonwealth all money which is due

13. 1810, 5 Sm.L. 105 secs. 1, 2; 1868 P.L. 3 sec. 8 par. 7 am. 1901 P.L. 175 sec. 1; 1874 P.L. 125 sec. 1 am. 1909 P.L. 77 further am. 1937 P.L. 2782; Comm. v. Conway, 12 Pa. C. C. 630, 2 Dist. 429 (1893).

14. 1929 P.L. 343 sec. 901.

15. 1929 P.L. 1278 sec. 224.

16. 1874 P.L. 43 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 224 am. 1931 P.L. 401 sec. 1 further am. 1933 P.L. 952; 1929 P.L. 1278 sec. 59 am. 1931 P.L. 401 sec. 1; Pa. Att. Gen., Official Opinions, 1891-94, pp. 462, 463.

17. 1875 P.L. 25 sec. 2.

18. 1834 P.L. 333 sec. 56 rep. 1917 P.L. 363 sec. 24 but reen. in sec. 8(b-1).

19. 1834 P.L. 333 sec. 64.

20. Ibid., sec. 77.

21. Ibid.; 1859 P.L. 19 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 226.

22. 1825 P.L. 172 sec. 1 sup. 1836 P.L. 715 sec. 36; Kerns v. Mtsinger, 2 Leg. Rec. 79 (1881).

23. 1783, 2 Sm.L. 84 sec. 5; 1818 P.L. 273.

the State.²⁴ In certain cases the orphans' court may order the clerk to execute and deliver the deed or mortgage to land sold or mortgaged by order of the court.²⁵

Since 1937 trials by jury may be held in orphans' court, with the approval of the court of common pleas. At the completion of such trials, the clerk certifies the verdict or judgment to the prothonotary, who files and docketes it.²⁶

The clerk of orphans' court issues marriage licenses.²⁷ When a minor applying for a license has no parents or guardian to give consent, the judge of orphans' court appoints a guardian just for that purpose. At that time, if the judge is not accessible, the clerk is authorized to name someone as guardian.²⁸ No one under 16 may be married even with parental consent, except in special cases when the judge may authorize the clerk of orphans' court to grant a license.²⁹ Whenever the clerk refuses to issue a license he must certify the proceedings to orphans' court.³⁰ The clerk is the agent of the Commonwealth for the collection of marriage license fees, which he sends to the State Treasurer through the Department of Revenue.³¹

In some cases the duties of the clerk are not clearly distinguished from those of the register of wills. For example, either the clerk or the register gives written notice to interested parties of the filing of fiduciaries' accounts.³²

Most of the duties of the clerk of orphans' court are concerned with the keeping of records. Many of these records are prescribed by law, but others are kept as a matter of convenience. The clerk has custody of all of the records of orphans' court and must keep them at the place of holding court.³³ He is obliged to keep two indexes of every book of

24. 1859 P.L. 561 sec. 1 sup. 1893 P.L. 125 sec. 1.

25. 1917 P.L. 388 secs. 17(a), 18; 1917 P.L. 447 secs. 16(j-1), 18(f).

26. 1917 P.L. 363 sec. 21(d) added 1937 P.L. 2665 am. 1939 P.L. 94.

27. 1885 P.L. 146 sec. 1 am. 1893 P.L. 27 further am. 1895 P.L.

202.

28. 1885 P.L. 146 sec. 3 am. 1887 P.L. 170 No. 105 further am. 1903 P.L. 80 further am. 1905 P.L. 58 further am. 1915 P.L. 636.

29. 1927 P.L. 64 No. 44.

30. 1913 P.L. 1013 sec. 4.

31. 1929 P.L. 343 sec. 612.

32. 1917 P.L. 447 sec. 46(c). Affirmed by special rule of court for Adams County, adopted March 5, 1918.

33. 1834 P.L. 333 sec. 56 rep. 1917 P.L. 363 sec. 24 but reen. in sec. 8(b-1).

record in his office.³⁴ The power of determining the mode of keeping indexes belongs to the orphans' court itself since there is no separate orphan' court in Adams County.³⁵ All orders and directions of the orphans' court by virtue of this power must be entered in full on the records of the court.³⁶

All papers filed in orphans' court proceedings have been kept in file boxes labeled O. C. since 1800.³⁷ Numerous types of papers are found here. They include petitions for the appointment of auditors,³⁸ applications to vacate letters testamentary,³⁹ petitions for the appointment of trustees to take charge of estates of absentees,⁴⁰ and requests for an accounting by a guardian.⁴¹ In addition there are found here petitions to ask the court to declare a person legally dead⁴² and to accept the will of such person for probate.⁴³ Other papers include elections to take real estate in lieu of legacies,⁴⁴ agreements for the division of realty devised in trust,⁴⁵ and petitions for the division of a decedent's real estate.⁴⁶ When the personal estate of a decedent does not exceed \$500 a petition and an accounting of the estate are filed within 6 months by the executor or administrator.⁴⁷ A brief summary of all proceedings before the orphans' court is contained in the Orphans' Court

34. 1827 P.L. 154 secs. 5-7.

35. 1878 P.L. 43 sec. 5 rep. 1927 P.L. 121 No. 87; 1891 P.L. 129 sec. 5 am. 1929 P.L. 776 No. 327. From 1879 until 1891 and since 1929 this power was vested in the orphans' court alone but from 1891 until 1929 it was exercised jointly by the court of common pleas and the orphans' court.

36. 1878 P.L. 43 sec. 6 rep. 1927 P.L. 121 No. 87; 1891 P.L. 129 sec. 6.

37. 1834 P.L. 333 sec. 56 rep. 1917 P.L. 363 sec. 24 but reen. in sec. 8(b-1).

38. 1794, XV St. at L. 80 sec. 14 sup. 1832 P.L. 190 sec. 19 rep. 1917 P.L. 447 sec. 63.

39. 1829 P.L. 122 sec. 1 sup. 1832 P.L. 190 sec. 27 rep. 1917 P.L. 447 sec. 63.

40. 1879 P.L. 21 sec. 1 am. 1905 P.L. 77 rep. 1917 P.L. 447 sec. 63.

41. 1907 P.L. 384 sec. 1 rep. as to orphans' court 1917 P.L. 447 sec. 63.

42. 1913 P.L. 369 sec. 1 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 6(a).

43. 1917 P.L. 447 sec. 6(k).

44. 1913 P.L. 908 sec. 1 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 32(a).

45. 1923 P.L. 846 secs. 2, 8.

46. 1917 P.L. 337 sec. 2; 1927 P.L. 449 sec. 1.

47. 1915 P.L. 265 sec. 1 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 49(c) am. 1939 P.L. 708. If these petitions are accepted by the court, the final accounting is dispensed with and the executor or administrator is discharged.

Docket⁴⁸ which is indexed by a separate record.⁴⁹

Papers filed in partition proceedings were irregularly kept in Partition Proceedings. The rest of them may be found in the Orphans' Court Papers. The proceedings in orphans' court pertaining to partition have been summarized in the Partition Docket since 1889. Before that date they will be found recorded in the Orphans' Court Docket.⁵⁰ Inquisition papers filed in partition proceedings were filed separately until 1914 and then kept with the other orphans' court papers and were recorded separately only for the period 1849 to 1868.

The clerk keeps bonds of executors, administrators, and trustees under whose charge the sale of a decedent's property is taking place;⁵¹ and bonds of guardians of the estates of minors.⁵² When a person receives a legacy from a presumed decedent he must file a bond to guarantee repayment if the person later reappears alive.⁵³ The clerk also files bonds of heirs to whom distribution is made before all possible creditors have made their claims against the estate.⁵⁴ Most of these bonds are filed with the other orphans' court papers in Adams County. However, from 1832 to date there is a separate file of bonds posted by fiduciaries assuming distribution of funds from the sale of real estate and other file from 1832 to 1936 which contains bonds posted by guardians. Since 1875 copies of bonds of fiduciaries have been recorded in the Real Estate and Bond Book, and copies of bonds of guardians have been recorded in the Guardian Bond Book.

Except for the intervening period stretching from 1851 to 1936 inventories and appraisements of decedents' estates in Adams County have been filed with the general orphans' court papers.⁵⁵

The first and final accounts filed by fiduciaries

48. 1850 P.L. 572 sec. 18 rep. 1917 P.L. 363 sec. 24 but reen. in sec. 8(b-2) am. 1939 P.L. 198.

49. 1827 P.L. 154 secs. 5-7.

50. 1889 P.L. 23 sec. 1 rep. 1917 P.L. 337 sec. 45 but reen. in sec. 41; 1917 P.L. 337 secs. 39(a), 42.

51. 1808 P.L. 144 sec. 3 rep. 1917 P.L. 447 sec. 63; 1903 P.L. 106 sec. 1 rep. as far as it relates to orphans' court, 1917 P.L. 337 sec. 45 but reen. in sec. 25.

52. 1917 P.L. 447 sec. 59(g); Rules of Court, Rule 154.

53. 1885 P.L. 155 No. 122 sec. 5 am. 1915 P.L. 945 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 6(h).

54. 1794, XV St. at L. 80 sup. 1883 P.L. 315 rep. 1917 P.L. 447 sec. 63 but reen. as am. in sec. 49(b).

55. 1701, II St. at L. 148 sec. 9; 1705-6, II St. at L. 199 sec. 1; 1815 P.L. 173 sec. 1 rep. 1917 P.L. 429 sec. 28; 1832 P.L. 190 sec. 9 rep. 1917 P.L. 447 sec. 63.

are kept in file boxes entitled simply Accounts.⁵⁶ Accounts of guardians⁵⁷ and trustees⁵⁸ are placed on file triennially or oftener. In Adams County these are kept apart from the other accounts together with the discharges of trustees and guardians and the appointments of their successors. Copies of all accounts are recorded in an Account Docket since 1850.⁵⁹

Reports of auditors filed and recorded in separate records⁶⁰ are the only records of the distribution of decedents' estates, and the Clerks Account Book is the only record of accounts to be found in this office.

The clerk of orphans' court issues marriage licenses and⁶¹ as an outgrowth of this duty, applications, the license and its duplicate, and the certificate of marriage are recorded by the clerk.⁶² The registration of births and deaths begun by the clerk of orphans' court in 1893 was discontinued in 1905.⁶³

The orphans' court has jurisdiction over adoption,⁶⁴ and the records of such proceedings are kept in Adams County among the general orphans' court papers.

All records of the clerk are found in the office vault unless otherwise indicated.

Papers and Dockets

248. O(orphans') C(ourt), 1800--. 34 f.b. (4 f.b. unlabeled; 7 f.b. dated; 10 f.b. lettered; 7 f.b. by name of estate; 6 f.b. by contained estate file nos.). Title varies: Miscellaneous Proceedings, 1800-1936, 11 f.b.; untitled, 1899-1900, 1910-36, 7 f.b.

Papers filed in orphans' court proceedings, showing court term, case and estate nos., names of decedent and parties

56. 1701, II St. at L. 148 sec. 9; 1705-6, II St. at L. 199 sec. 1; 1815 P.L. 173 sec. 1 rep. 1917 P.L. 429 sec. 28; 1832 P.L. 190 sec. 9 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 46(d).

57. 1821 P.L. 153 sec. 3 sup. 1832 P.L. 190 secs. 10, 13 rep. 1917 P.L. 447 sec. 63 but reen. in sec. 59(h, j-1).

58. 1917 P.L. 447 sec. 46(g, h).

59. 1850 P.L. 572 sec. 18 rep. 1917 P.L. 363 sec. 24 but reen. in sec. 8(b-2) am. 1939 P.L. 198.

60. Rules of Court, Rule 153.

61. 1885 P.L. 146 sec. 1 am. 1893 P.L. 27 further am. 1895 P.L. 202; 1909 P.L. 446 sec. 1.

62. 1885 P.L. 146 sec. 1 am. 1893 P.L. 27 sec. 1 further am. 1895 P.L. 202 sec. 1; 1913 P.L. 1013 sec. 1; 1935 P.L. 152 sec. 1.

63. 1893 P.L. 340 No. 281 secs. 1-3 rep. 1915 P.L. 900 sec. 24; 1905 P.L. 330.

64. 1925 P.L. 127 sec. 1 am. 1929 P.L. 822 sec. 1; 1925 P.L. 127 secs. 3, 4.

involved; date and character of instrument, date filed, and official seals and signatures. Also contains: Partition Proceedings, 1800-1811, 1937--, entry 252; Inquisitions, 1915--, entry 254; Maintenance, 1800-1875, entry 257; Petitions for Rules and Rules, 1800-1829, 1910--, entry 258; Rules on Heirs to Accept or Show Cause, 1912--, entry 259; Petition for Citation, 1911--, entry 260; Citations and Rules, 1800-1921, entry 261; Order of Sales, 1938--, entry 262; Return of Sales, 1938--, entry 263; Bonds of Guardians, 1937--, entry 268; and Widows and Guardians Inventory, 1800-1850, 1936--, entry 270. Arr. chron. by court term, 1800-1936; arr. num. by estate file no., 1937--. No index. Hdw. and typed. 10 x 5 x 14.

249. ORPHANS COURT DOCKET, 1800--. 47 vols. (dated, and labeled by letters of alphabet).

Record of proceedings in orphans' court, showing court term, case and estate nos., names of decedent and interested parties, character of instrument, cause for action, date filed, and disposition. Also contains: Partition Docket, 1800-1889, entry 253; Inquisitions, 1800-1848, 1869--, entry 255; and Auditors Reports, 1800-1881, entry 275. Arr. chron. by court term. Indexed alph. by first letter of surname of decedent; for separate index, see entry 250. Hdw. and typed. Aver. 600 pp. 18 x 12 x 3.

250. GENERAL INDEX TO ORPHANS' COURT, 1800--. 13 vols. (labeled by contained letters of alphabet).

Index to Orphans Court Docket, entry 249; Partition Docket, 1889--, entry 253; Guardian Bond Book, 1875--, entry 269; Account Docket, 1850--, entry 273; and Auditors Reports, 1882--, entry 275, showing court term and case no., name of decedent, character of instrument, and vol. and p. reference. Arr. alph. by first letter of surname of decedent. Hdw. on ptd. fm. 1800-1936; typed on ptd. fm. 1937--. Aver. 250 pp. 14 1/2 x 17 x 2.

251. GENERAL INDEX ORPHANS' COURT, 1800-1902. 3 vols. Obsolete index to Orphans Court Docket, entry 249, showing information as in entry 250. Arr. alph. by first letter of surname of decedent. No index. Hdw. Aver. 500 pp. 16 x 11 x 2. Bsm't. vlt. A.

252. PARTITION PROCEEDINGS, 1812-45, 1864-1903, 1921-36. 4 f.b. (3 f.b. dated; 1 f.b. unlabeled). Title varies: Calculations, Decrees, Recognizance, 1812-45, 1864-1903, 1921-23, 2 f.b. 1800-1811, 1937-- in O(rphans') C(ourt), entry 248.

Papers filed in partition proceedings, showing court term and case no., names of parties, date and character of instrument, location and description of property, cause for action, court orders, costs, fees, schedule of distribution, official seals and signatures, and date filed. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

253. PARTITION DOCKET, 1889--. 2 vols. (A, B). 1800-1888 in Orphans Court Docket, entry 249.

Recorded copies of papers filed in partition proceedings,

showing court term and case no., names of estate and interested parties, date and character of instrument, location and description of property, court decrees, and schedule of distributions. Arr. chron. by court term. Indexed alph. by first letter of surname of estate; for separate index, see entry 250. Hdw. Aver. 200 pp. 18 x 11 x 3.

254. INQUISITIONS, 1800-1914. 8 f.b. (dated). 1915-- in O(rphans') C(ourt), entry 248.

Papers filed in inquisitions of decedents' estates, showing date, court term and case no., names of parties and attorneys, dates of death and hearing, location and description of property, names of parties chosen for inquisition, disposition, official seals and signatures, and date filed. Arr. chron. by court term. No index. Hdw. 10 x 5 x 14.

255. INQUISITIONS, 1849-68. 1 vol. 1800-1848, 1869-- in Orphans Court Docket, entry 249.

Record of inquisition proceedings in division of decedents' real estate, showing court term, case and estate nos., names of decedent and parties involved, location and description of property, names of parties chosen for inquisition, date of hearing, disposition, and record nos. Arr. chron. by date recorded. No index. Aver. 200 pp. 8 x 10 x 1. Psmt. vlt. A.

256. DISCHARGE, 1830--. 11 f.b. (4 f.b. dated; 7 f.b. labeled by contained letters of alphabet).

Petitions filed for release of fiduciaries of decedents' estates, showing date; names of decedent, fiduciary, and petitioner; dates first and final accounts filed; itemized statement of assets, liabilities, receipts, and disbursements; balance; schedule of distribution; dates approved and released; and official seals and signatures. Arr. chron. by date filed, 1830-1900; arr. alph. by first letter of surname of decedent, 1901--. Hdw. and typed. 10 x 5 x 14.

257. MAINTENANCE, 1876--. 3 f.b. (1 f.b. dated; 2 f.b. labeled by contained letters of alphabet). 1800-1875 in O(rphans') C(ourt), entry 248.

Papers filed by guardians of minors' estates for maintenance of minor, showing court term and case no.; names of estate, ward, and guardian; amounts allowed and increase requested; court decrees; official seal and signatures; and date filed. Arr. chron. by date filed, 1876-1907; arr. alph. by surname of decedent, 1908--. No index. Hdw. and hdw. and typed on ptd. fm. 10 x 5 x 14.

258. PETITIONS FOR RULES AND RULES, 1830-1909. 3 f.b. (dated). 1800-1829. 1910-- in O(rphans') C(ourt), entry 248.

Petitions and court rules in decedents' estates, showing court term and case no.; names of decedent, heirs, and petitioner; date of decedent's death; granting of letters; and of rules ordered; first and final accounts filed; character of

petition and rules; and official seals and signatures. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

259. RULES ON HEIRS TO ACCEPT OR SHOW CAUSE, 1810-1911. 2 f.b. 1912-- in O(rphans') C(ourt), entry 248.

Court rules to heirs of decedents' estates, showing court term and case no., names of decedent and heirs, date and character of instrument, court orders, official seals and signatures, and date filed. Arr. chron. by court term. No index. Hdw. 10 x 5 x 14.

260. PETITION FOR CITATION, 1823-1910. 3 f.b. (dated). 1911-- in O(rphans') C(ourt), entry 248.

Petitions filed by guardians of minors for approval of investments of legacies, showing court term and case no.; names of decedent, fiduciary, and petitioner; amount and type of investment; official seals and signatures; and date filed. Arr. chron. by court term. No index. Hdw. 10 x 5 x 14.

261. CITATIONS AND RULES, 1922--. 2 f.b. 1800-1921 in O(rphans') C(ourt), entry 248.

Petitions for citation regarding appraisement of decedents' estates, showing date of petition, court term and case no., names of decedent and parties involved, date of decedent's death, date and amount of appraisement, court orders and rules, disposition, official seals and signatures, and date filed. Arr. chron. by court term. No index. Typed. 10 x 5 x 14.

262. ORDER OF SALES, 1800-1937. 16 f.b. (8 f.b. dated; 8 f.b. labeled by letters of alphabet). 1938-- in O(rphans') C(ourt), entry 248.

Petitions filed by administrators for sale of decedents' property, showing date of petition; court term and case no.; names of decedent and administrator; date of decedent's death; location, description, and appraised valuation of property; assets; liabilities; dates accepted, granted, and returned; court orders; official seals and signatures. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

263. RETURN OF SALES, 1800-1937. 16 f.b. (10 f.b. dated; 6 f.b. labeled by letters of alphabet). 1938-- in O(rphans') C(ourt), entry 248.

Papers filed by administrators in return of sales of decedent's property, showing date, court term and case no., names of decedent and administrator, location and description of property, court order, date and amount of sale, official seals and signatures, and date filed. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

264. APPOINTMENT OF GUARDIAN OR TRUSTEE, 1806--. 9 f.b. (6 f.b. dated; 3 f.b. labeled by letters of alphabet).

Petitions filed for appointment of guardian or trustee of estates, showing court term and case no.; date filed; names

of estate, heirs, and petitioners; and official seals and signatures. Arr. chron. by date. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

265. SUPREME COURT PAPERS, 1861--. 2 f.b. (dated). Papers filed in cases appealed to the Supreme Court, showing court term and case no.; names of estate, attorneys, heirs, and fiduciaries; disposition of orphans' court; dates appealed and returned; Supreme Court disposition; and official seals and signatures. Arr. chron. by court term. No index. Hdw. and typed. 10 x 5 x 14.

Bonds

266. BONDS OF REAL ESTATE AND TRUSTEE, 1832--. 7 f.b. (dated).

Bonds posted by fiduciaries of decedents' estates, assuring distribution of funds from sale of real estate, showing names of estate, fiduciaries, and surety; date; amount and conditions of obligation of bond; dates filed and approved; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

267. REAL ESTATE AND BOND BOOK, 1875--. 5 vols. (dated). Title varies: Real Estate and Trustee Bond Book, 1875-1915, 3 vols.

Recorded copies of bonds posted by fiduciaries of decedents' estates, showing information as in entry 266. Arr. chron. by date recorded. Indexed alph. by first letter of surname of estate. Hdw. on ptd. fm. Aver. 500 pp. 16 x 11½ x 2.

268. BONDS OF GUARDIANS, 1832-1936. 8 f.b. (dated). 1937-- in O(rphans') C(ourt), entry 248.

Bonds posted by appointed guardians of estates, showing estate no.; names of estate, guardian, and surety; date; amount; conditions of obligation; dates filed and approved; and official seals and signatures. Arr. num. by estate no. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14.

269. GUARDIAN BOND BOOK, 1875--. 5 vols. (1 vol. dated; B-E).

Recorded copies of bonds posted by appointed guardians of estates, showing information as in entry 268. Arr. chron. by date recorded. Indexed alph. by first letter of surname of estate: for separate index, see entry 250. Hdw. on ptd. fm. Aver. 300 pp. 16 x 11 x 3.

Inventories

270. WIDOWS AND GUARDIANS INVENTORY, 1851-1936. 11 f.b. (6 f.b. dated; 5 f.b. labeled by contained letters of alphabet). 1800-1850, 1937-- in O(rphans') C(ourt), entry 248.

Inventories of estates, showing court term and case no.; names of decedent, appraisers, and fiduciaries; location and description of property; itemized statement of assets and liabilities; total valuation; date filed; and official seals

and signatures. Arr. chron. by date filed, 1851-1907; arr. alph. by first letter of surname of decedent, 1908-36. No index. Hdw. and typed. 10 x 5 x 14.

Accounts

271. ACCOUNTS, 1800--. 80 f.b. (labeled by contained estate nos.).

First and final accounts filed by administrators of decedents' estates, showing estate no.; date filed; name of decedent and administrator; itemized list of assets, liabilities, receipts, and expenditures; balance; dates examined and approved; and official seals and signatures. Arr. num. by estate no. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. Reg. and rec. off. vlt.

272. GUARDIAN AND TRUSTEE ACCOUNTS, DISCHARGE, APPOINTMENT OF SUCCESSOR, 1805--. 12 f.b. (10 f.b. labeled by letters of alphabet; 2 f.b. unlabeled). Title varies: Guardian Accounts, 1805-1932, 7 f.b.; Trustee Accounts, 1860-1932, 2 f.b.

Accounts filed by fiduciaries of estates, showing court term and case no.; names of decedent and fiduciary; itemized statement of assets, receipts, and expenditures; balance; schedule of distribution; dates of audit and approval of court; and official seals and signatures. Also shows petitions for discharge and appointment of a substitute fiduciary. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. 9 f.b., 1805-1932, reg. and rec. off. vlt.; 3 f.b. 1933--, off. vlt.

273. ACCOUNT DOCKET, 1850--. 20 vols. (A-T).

Recorded copies of accounts filed by fiduciaries of estates, showing court term; case and estate nos.; names of estate and fiduciary; itemized list of assets, receipts, and disbursements; balance; schedule of distribution; and dates filed, examined, and approved. Arr. chron. by date recorded. Indexed alph. by name of estate; for index, see entry 245. Hdw. Aver. 500 pp. 15 x 19 3/4 x 3.

For original accounts of fiduciaries, see entry 271.

Distribution of Estates

274. REPORT OF AUDITORS, 1800--. 21 f.b. (dated).

Reports filed by auditors of estates, showing court term; case and estate nos., names of estate, auditors, and heirs; itemized statement of debits and credits; balance, schedule of distribution; dates filed and approved; and official seals and signatures. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14.

275. AUDITORS REPORTS, 1882--. 7 vols. (dated, and labeled A-G). 1800-1881 in Orphans Court Docket, entry 249.

Recorded copies of auditors' reports in settlement of decedents' estates, showing court term; case and estate nos.; names of decedent, auditors, and heirs; itemized statement

of acts, liabilities, receipts, and expenditures; balance; and dates filed and approved. Arr. chron. by date recorded. Indexed alph. by first letter of surname of decedent; for separate box, see entry 250. Hdw. Aver. 600 pp. 18 x 12 $\frac{1}{2}$ x 3.

Vital Statistics
(See also entries 242-246)

276. APPLICATIONS FOR MARRIAGE LICENSE, 1885--. 8 f.b. (dated).

Applications filed for issuance of marriage license, showing date; application no.; and name, address, date and place of birth, color, occupation, age, relationship, marital status, maiden name of mother, and signatures of parties. Arr. num. by application no. No index. Hdw. on ptd. fm. 10 x 5 x 14.

277. MARRIAGE LICENSE DOCKET, 1885--. 18 vols. (1-18).

Record of applications filed, marriage licenses issued, and marriages performed, showing license no.; date of application; names, addresses, dates and places of birth, color, occupation, relationship, and marital status of parties; consent of parents; date of marriage; and name of officiating official. Arr. chron. by date of application. Indexed alph. by first letter of surnames of parties. Hdw. on ptd. fm. Aver. 780 pp. 18 x 12 x 3.

278. DUPLICATE MARRIAGE CERTIFICATE, 1885--. 7 f.b. (dated).

Duplicate marriage certificates returned by officiating parties, showing names of parties and officiating official, certificate no., date and place of marriage, date filed, and signature of person performing ceremony. Arr. num. by certificate no. No index. Hdw. on pta. fm. 10 x 5 x 14.

279. CONSENT TO MARRIAGE, 1885--. 6 f.b. (dated).

Certificates of consent filed by parents or guardians on minor's application for marriage license, showing date filed; name of minor, parents, or guardian; application no.; and official seals and signatures. Arr. chron. by application no. No index. Hdw. on ptd. fm. 10 x 5 x 14.

280. BIRTHS, 1893-1905. 12 bdl., 4 f.b. (dated). Title varies: Birth Registration, 1893-98, 12 bdl. Discontinued as county record; subsequent records kept by State Bureau of Vital Statistics.

Reports of births filed by tax assessors, showing name of civil division; name, sex, color, and date and place of birth of child; name and address of parents; occupation of father; affidavit of assessor; and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. Bdl. 4 $\frac{1}{2}$ x 6 x 2 $\frac{1}{2}$; f.b. 10 x 4 3/4 x 14. 12 bdl., 1893-98, bsmt. vit. A; 4 f.b., 1898-1905, off. vlt.

281. REGISTRATION OF BIRTH, 1893-1905, 2 vols. (1, 2). Discontinued as county record; subsequent records kept by State Bureau of Vital Statistics.

Register of births, showing information as in entry 280. Arr. alph. by first letter of surname of child. No index. Hdw. on ptd. fm. Aver. 600 pp. 12 x 18 x 3.

282. DEATHS, 1895-1905, 5 f.b. (dated). Discontinued as county record; subsequent records kept by State Bureau of Vital Statistics.

Reports of deaths filed by assessors, showing name of civil division; name, age, sex, color, occupation, and marital status of deceased; dates and places of birth, death, and interment; cause of death; duration of last illness; names and addresses of parents; affidavit of assessor; and date filed. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 10 x 5 x 14.

283. REGISTRATION OF DEATHS, 1893-1905. 2 vols. (1, 2). Discontinued as county record; subsequent records kept by State Bureau of Vital Statistics.

Register of deaths in county, showing information as in entry 282. Arr. alph. by first letter of surname of deceased. No index. Hdw. on ptd. fm. Aver. 600 pp. 14½ x 16½ x 2.

Miscellaneous

284. (ADMINISTRATOR'S ACCOUNT BOOK), 1836-90. 1 vol. Account book of administrators of individual estates, showing names of estate and administrator, date appointed, location of property, itemized statement of receipts and expenditures, balance, date of discharge, certification of auditors, and signature of register. Arr. chron. by date of entry. No index. Hdw. 100 pp. 12 x 4 x 2½. Esmt. vlt. A.

285. (ADMINISTRATORS RECEIPTS), 1857-99. 1 ctn. Receipts issued by administrators of estates, showing date; names of estate, administrator, and payee; purpose; amount; and signature of administrator. No obvious arr. No index. Hdw. and hdw. on ptd. fm. 12 x 12 x 20. Esmt. vlt. A.

VII. SHERIFF

Evolution and Structural Organization

The sheriff or "shire keeper" is an ancient office, originating in England or perhaps even in Rome and brought to Pennsylvania by both English and Dutch settlers.¹ All of Pennsylvania's basic laws have provided for the office of sheriff in each county. From 1682 until 1838 the freemen of the county elected two candidates from whom the Governor chose this officer.² The Constitution of 1838 made the sheriff a purely elective officer.³ The first sheriff of Adams County was elected in 1800.⁴

For at least a year before his election the sheriff must have been a resident of the county and a citizen.⁵ He may not keep a tavern⁶ nor may he live at a licensed tavern during his residence at the county seat.⁷ He had a 3-year term until 1909, when a constitutional amendment increased the tenure to 4 years.⁸ No sheriff may succeed himself in office.⁹ Vacancies are filled by appointment by the Governor, the appointee to hold office until a new sheriff is chosen in the first general election which takes place 2 or more months after the vacancy occurs.¹⁰ Before assuming office, he must post a bond of \$15,000, submit to a recogni-

1. For a development of this office in England and Pennsylvania, see Richard C. Sewell, Law of Sheriffs, pp. 29, 30, 34; William L. Murrree, A Treatise on the Law of Sheriffs and Other Ministerial Officers, pp. 5, 19(a); William H. Watson, A Practical Treatise on the Law Relating to the Office and Duty of Sheriff, pp. 194-217. For a fuller development of the office in England, see Sir Frederick Pollock and Frederick W. Maitland, A History of the English Law before the Time of Edward I, pp. 1, 65, 132, 519; Sidney and Beatrice Webb, English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County, pp. 279, 285, 287, 301. Eastman, op. cit., I, 10, 19, 20, 22; Tanger and Alderfer, op. cit., p. 48; George E. Howard, An Introduction to the Constitutional History of the United States, I, 384; Charter to William Penn, pp. 429, 430.

2. The Frame of the Government (1682) in Charter to William Penn, p. 97 secs. 17, 18; Const. 1776, ch. II sec. 31; Const. 1790, art. VI, sec. 1.

3. Const. 1838, art. VI, sec. 1.

4. 1800, 3 Sm.L. 404 sec. 9.

5. Const. art. XIV, sec. 2.

6. 1730, 1 Sm.L. 181 sec. 19.

7. 1842 P.L. 192 sec. 44.

8. Const., art. XIV, sec. 2 as am. 1909.

9. Const. 1790, art. VI, sec. 1; Const. 1838, art. VI, sec. 1; Const., art. XIV, sec. 1; 1929 P.L. 1278 sec. 181.

10. 1929 P.L. 1278 sec. 60 am. 1931 P.L. 491 sec. 9.

zance, and take an oath.¹¹ The compensation of a sheriff of a seventh-class county as Adams is set by law at \$3,000 annually and expenses.¹² His fees, likewise fixed by law, are paid into the county treasury.¹³

Functions and Records

As an officer of the court, the sheriff attends its sessions,¹⁴ "collects court costs, and abates nuisances pursuant to court order."¹⁵ He adjourns court in the absence of the judges, prothonotary, and clerk.¹⁶ Since the sheriff is required to serve all processes issued by the Supreme and Superior Courts,¹⁷ the courts of common pleas and quarter sessions and oyer and terminer,¹⁸ the juvenile court,¹⁹ the orphan's court,²⁰ and courts martial,²¹ it follows that he makes arrests.²² In civil cases he may set the amount of bail and take bail bonds.²³ Upon request the sheriff must give without fee a written statement citing the charge on which any prisoner is held and the amount of bail demanded.²⁴ If a person to be arrested has fled into another county the sheriff of the second county may be deputized to make the arrest and conduct the prisoner to the county where he is wanted.²⁵

The sheriff has been charged with keeping the peace and preventing riot and insurrection.²⁶ He must arrest all deserting husbands,²⁷ all persons selling liquor within 3 miles of a soldiers' camp,²⁸ and all persons catching fish by illegal means.²⁹ The sheriff may seize property used un-

11. Const., art. VII, sec. 1; 1834 P.L. 537 sec. 62 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 183, 212, 213; 1929 P.L. 1278 sec. 53; 1939 P.L. 359.

12. 1933 P.L. 14 sec. 1.

13. 1911 P.L. 1072 sec. 1; 1933 P.L. 14 sec. 2.

14. 1907 P.L. 496 sec. 8; Alderfer, op. cit., p. 26.

15. 1836 P.L. 784 sec. 25 am. 1917 P.L. 813.

16. 1834 P.L. 333 sec. 64.

17. 1860 P.L. 427 sec. 1, 1895 P.L. 212 sec. 5.

18. 1860 P.L. 427 secs. 1, 2.

19. 1907 P.L. 438 sec. 1.

20. 1917 P.L. 363 sec. 17(b).

21. 1921 P.L. 17 sec. 59 am. 1923 P.L. 227 sec. 1.

22. 1836 P.L. 568 sec. 3; 1860 P.L. 427 sec. 32; 1915 P.L. 76 sec. 1.

23. 1836 P.L. 568 sec. 9; 1836 P.L. 568 sec. 16 am. 1927 P.L. 728

No. 376.

24. 1915 P.L. 76.

25. 1836 P.L. 784 sec. 25 am. 1917 P.L. 813; 1860 P.L. 427 sec. 2 1921 P.L. 899 No. 314.

26. 1763-64, VI St. at L. 325 secs. 1, 2; 1771, VIII St. at L. 5 secs. 1, 2; 1771, VIII St. at L. 120; 1774, VIII St. at L. 366 secs. 1, 2; Alderfer, op. cit., p. 27.

27. 1867 P.L. 78 sec. 1.

28. 1875 P.L. 48 sec. 3.

29. 1917 P.L. 322 sec. 7.

lawfully such as horses racing illegally and nets and snares forbidden by law for use in fishing.³⁰ Whenever the Governor requests assistance from any sheriff, it must be given.³¹

In addition to the writs of the various courts, the sheriff serves processes emanating from the fiscal officers of the State,³² the Public Utility Commission,³³ and the county auditors.³⁴ He is also required to serve citations for the removal of a poor person from the county to his legal place of residence.³⁵ Certain conditions are laid down for the sheriff to observe when executing the various processes. A writ of replevin is served on the person actually in possession of the goods, whether or not he is the owner.³⁶ Writs on railroad companies are served on the highest ranking official of the line in the county.³⁷ The sheriff may go outside the county to serve a writ of scire facias upon a mortgagor.³⁸

As a natural part of these duties, the sheriff takes persons to jail and prison³⁹ and conducts prisoners to the reformatory.⁴⁰ Upon request, he must report to the Department of Welfare, giving lists of all persons arrested and taken to prison by him. Moreover, he is required to furnish the Department with facilities for investigating these reports.⁴¹ He may take violent patients to the hospital and return those overstaying leaves of absence or escaping from the asylum.⁴²

The sheriff is in charge of all property taken in execution proceedings.⁴³ Within 5 days after attachment, he must file in the office of the prothonotary descriptions of all attached property.⁴⁴ Before selling a property he must

30. 1817 P.L. 122, 6 Sm.L. 432 sec. 3; 1820 P.L. 20, 7 Sm.L. 244 sec. 3; 1917 P.L. 322 sec. 7; 1925 P.L. 448 sec. 270.

31. Pa. Att. Gen., Official Opinions, 1935-36, pp. 172-176.

32. 1811 P.L. 145, 5 Sm.L. 228 sec. 32 rep. 1929 P.L. 343 sec. 1805 but reen. in secs. 1602(d), 1721.

33. 1913 P.L. 1374, art. VI, sec. 27 rep. 1937 P.L. 1053 sec. 1502 but reen. in sec. 1009.

34. 1834 P.L. 537 sec. 50 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 373.

35. 1925 P.L. 762 sec. 801 am. 1933 P.L. 966 No. 201 sec. 1 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 502.

36. 1901 P.L. 88 sec. 2 am. 1923 P.L. 136 No. 103.

37. 1842 P.L. 144 sec. 8.

38. 1877 P.L. 76 sec. 2.

39. 1730, 1 Sm.L. 181 sec. 14; 1829 P.L. 341 sec. 8 art. V.

40. 1887 P.L. 63 sec. 9.

41. 1929 P.L. 177 sec. 2311.

42. 1923 P.L. 998 secs. 306, 407, 408.

43. 1705-6, II St. at L. 244; 1824 P.L. 119 sec. 1.

44. 1836 P.L. 568 sec. 65.

advertise the sale weekly for 3 successive weeks.⁴⁵ Upon reasonable notice given to him, the sheriff must prepare and deliver to any interested person a list of any goods, chattals, and effects taken by him on a fieri facias or attachment.⁴⁶ Whenever there is conflict regarding the ownership of the entire property to be sold, the sheriff serves a rule concerning its ownership.⁴⁷ If a third party claims part of the goods levied on as his, a hearing is held to determine whether the claim shall be allowed. If it is permitted, the sheriff appoints an appraiser to determine the value of the goods held by the plaintiff. Unless the claimant pays for the appraisal, the sheriff may assume that he has abandoned his rights to the goods, which therefore may be sold.⁴⁸ On order of the court, the sheriff may sell immediately any perishable goods levied on.⁴⁹ He is also authorized to summon an inquest of six men who determine whether the rents from the property will be sufficient to defray the liens against it within 7 years. If so, the sheriff need not sell it.⁵⁰ The sheriff is empowered to appoint a watchman for any property in his custody,⁵¹ and he may enter a property by force in order to sell it.⁵² He may not dispose of the property of any corporate body without first filing a statement with the Department of Revenue in order to ascertain whether there are other public liens against it.⁵³ After every sheriff's sale, a deed is given to the purchaser by the sheriff.⁵⁴ These are noted in the prothonotary's office.⁵⁵ When the sale has been accomplished, the sheriff makes a report to the court, which thereupon appoints an auditor to distribute the proceeds of the sale among the various creditors.⁵⁶ The sheriff files with the prothonotary a schedule of the proposed distribution of the profits of every sale he holds. If no objections are filed within the time limit set by the court, the sheriff pays out the money according to the schedule. If exceptions to this return are made, however, the court

45. 1824 P.L. 119 sec. 1; 1919 P.L. 1089; 1929 P.L. 1595.

46. Rules of Court, Rule 121.

47. 1879 P.L. 127 sec. 1 am. 1885 P.L. 152 sec. 1.

48. 1850 P.L. 597 sup. 1897 P.L. 95 rep. 1931 P.L. 883 sec. 22 but reen. in secs. 1, 6, 7.

49. 1836 P.L. 806 sec. 8.

50. 1705-6, 1 Sm.L. 57 sec. 2 sup. 1836 P.L. 755 secs. 44, 49 am. 1879 P.L. 123 sec. 2 further am. 1881 P.L. 13 secs. 1, 2.

51. 1907 P.L. 243 rep. 1927 P.L. 1619 sec. 2 but reen. in sec. 1; 1933 P.L. 1141 sec. 1(d).

52. 1925 P.L. 99.

53. 1901 P.L. 344 No. 213 sup. 1907 P.L. 250 rep. 1911 P.L. 1098 sec. 3 but reen. in sec. 1 sup. 1929 P.L. 343 secs. 1402, 1712. Prior to 1929 this statement was filed with the Auditor General.

54. 1836 P.L. 755 sec. 94; 1873 P.L. 199 No. 192.

55. 1893 P.L. 127 No. 78 sec. 1; 1905 P.L. 265 sec. 5; Rules of Court, Rules 122, 123, 125.

56. 1827 P.L. 471 secs. 1-3 sup. 1836 P.L. 755 secs. 86-89; 1846 P.L. 411 sec. 2.

makes the final decision.⁵⁷

At the close of a sheriff's term of office, all writs as yet unexecuted are delivered to his successor to be executed. They are just as binding as if they had been given originally to the new sheriff for execution.⁵⁸

When Adams County was erected, the sheriff chose the prospective jurors from the freemen of the county in any way he wished.⁵⁹ A law passed in 1805, however, required that jurors' names be drawn by lot by the sheriff and the county commissioners.⁶⁰ Since the creation of the office of jury commissioner in 1867, the sheriff's duties have become fewer and less important. After the jury wheel has been filled, he has charge of its key. He helps the jury commissioners draw the names from the wheel⁶¹ and summons the jurors drawn.⁶² After a juror has served, he may demand a certificate of attendance from the sheriff.⁶³

The sheriff's duties in connection with election, like his jury duties, have decreased in recent years. The sheriff gave notice of approaching general elections, except township and borough elections,⁶⁴ as well as of special elections due to vacancies in the State legislature⁶⁵ or in Congress,⁶⁶ or to disqualification of a Governor or Lieutenant Governor.⁶⁷ Notice was given in a newspaper published in the county.⁶⁸ The sheriff also received lists of candidates for State and National offices from the Secretary of the Commonwealth and for local offices from the county commis-

57. 1901 P.L. 357 am. 1931 P.L. 542. Rules of Court, Rule 124; Rule of February 26, 1940.

58. 1836 P.L. 761 secs. 101, 102 and 1875 P.L. 27 sec. 1 both acts rep. 1927 P.L. 114 No. 78 sec. 2 but reen. in sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 185.

59. 1700, II St. at L. 132 ch. XCVIII.

60. 1805, 4 Sm.L. 237 sec. 1 sup. 1834 P.L. 333 sec. 79.

61. 1867 P.L. 62 secs. 2, 3.

62. 1834 P.L. 333 sec. 125.

63. Ibid., sec. 129.

64. 1839 P.L. 519 sec. 174 but reen. in sec. 13 rep. 1891 P.L. 349 sec. 37 but reen. in sec. 10; 1839 P.L. 519 secs. 24, 27; 1885 P.L. 144 No. 112 sup. 1893 P.L. 419 sec. 10 am. 1895 P.L. 392. All rep. 1937 P.L. 1333 sec. 1901.

65. 1799, 3 Sm.L. 340 sec. 15 rep. 1839 P.L. 519 sec. 174 but reen. in secs. 35-38 rep. 1937 P.L. 1333 sec. 1901.

66. 1802, 4 Sm.L. 208 sec. 1 rep. 1839 P.L. 519 sec. 174 but reen. in sec. 41 rep. 1937 P.L. 1333 sec. 1901.

67. 1839 P.L. 519 sec. 34 rep. 1937 P.L. 1333 sec. 1901; 1874 P.L. 208 sec. 37 rep. 1937 P.L. 1333 sec. 1901.

68. 1799, 3 Sm.L. 340 sec. 14 rep. 1839 P.L. 519 sec. 174 but reen. in sec. 13 and 1885 P.L. 144 No. 112 sec. 1, both rep. 1937 P.L. 1333 sec. 1901.

sioners.⁶⁹ Since 1937, however, these duties have belonged to the county commissioners acting as the board of elections,⁷⁰ and the sheriff's only remaining responsibilities at election time are keeping the polling places clear⁷¹ and serving on the election return board whenever any of its members are ineligible.⁷²

A number of miscellaneous duties and responsibilities belong to the sheriff. Whenever there is a vacancy in the office of coroner the sheriff may legally perform any of the coroner's duties,⁷³ just as the coroner may act as a sheriff when that office is vacant.⁷⁴ In Adams County it is the custom for the court to appoint a substitute who takes the coroner's place when he is absent.

Until 1937 the sheriff received from the magistrates all fees designated for the use of the poor. He in turn gave them to the proper authority.⁷⁵ The sheriff must publish notice of approaching divorce actions if one party cannot be located.⁷⁶ Persons entitled to sequestration of rents, issues, and profits of life estates are put into possession and kept there by the sheriff.⁷⁷ Whenever the prothonotary is a party to a suit, the sheriff may act as prothonotary.⁷⁸ The sheriff is authorized to issue licenses to carry firearms⁷⁹ and prior to 1937 was allowed to institute proceedings against persons betting on elections.⁸⁰ In a conspicuous place in his office he is obliged to post a list of his fees,⁸¹ and he must give an itemized receipt to anyone requesting it.⁸²

The sheriff is permitted to appoint one or more deputies who are empowered to fulfill any of the sheriff's duties. The number of such deputies and their compensation are determined by a special salary board which is made up of

69. 1891 P.L. 349 sec. 9; 1893 P.L. 419 sec. 9 am. 1897 P.L. 127 sec. 1 further am. 1903 P.L. 338 sec. 1. Both rep. 1937 P.L. 1333 sec. 1901.

70. 1937 P.L. 1333 secs. 301, 302.

71. 1839 P.L. 519 sec. 111 rep. 1937 P.L. 1333 sec. 1901 but reen. in sec. 1207.

72. 1937 P.L. 1333 sec. 1403(b).

73. 1929 P.L. 1278 sec. 190 added 1931 P.L. 401 sec. 6.

74. 1803, 4 Sm.L. 45 sec. 7 sup. 1834 P.L. 537 sec. 75 rep. 1929 P.L. 1279 sec. 1051 but reen. in sec. 204 am. 1933 P.L. 945.

75. 1836 P.L. 539 sec. 40 rep. 1937 P.L. 2017 sec. 702.

76. 1929 P.L. 1237 sec. 29.

77. 1849 P.L. 676 sec. 5.

78. 1836 P.L. 715 sec. 35.

79. 1931 P.L. 497 sec. 7 rep. 1939 P.L. 872 sec. 1201 but reen. in sec. 628(f).

80. 1839 P.L. 519 sec. 616 rep. 1937 P.L. 1333 sec. 1901.

81. 1821 P.L. 50 sec. 14; 1803, 4 Sm.L. 45 sec. 10 sup. 1834 P.L. 537 sec. 18 sup. 1901 P.L. 663 sec. 4 sup. 1933 P.L. 1141 sec. 4.

82. 1929 P.L. 1278 sec. 186.

the sheriff and the county commissioners. In case the sheriff is dissatisfied with the action of the salary board, he may appeal to the court of common pleas, the decision of which is final.⁸³ Before anyone may secure an appointment as deputy sheriff, his photograph and various affidavits must be filed with the prothonotary. In Adams County there is one deputy sheriff whose salary is \$1,750 a year.

The sheriff of Adams County is in almost complete charge of the county jail. He acts as warden and selects any other necessary employees.⁸⁴

The sheriff must keep a docket "of all writs which come into his hands and the proceedings thereon."⁸⁵ In Adams County the sheriff's docket is in three parts. The Summons Docket is a record of the actual service of writs; the Execution Docket gives an account of all proceedings in executions of judgment since 1936; and the Real Estate and Personal Property Sales Record relates to all property sold by the sheriff since 1935.

For 6 years the sheriff must keep in his office a record of every firearms permit which he issues.⁸⁶ In Adams County this record consists of duplicate copies of the actual permits issued through his office.

The sheriff must keep an account book in which he enters all the fees he receives, stating the amount of each fee, from whom and for what service it was received, and the day and date of payment. Once a month, when he pays the fees to the county treasurer, the sheriff files with him a transcript of the account book. This is verified by him under oath.⁸⁷ His accounts are examined annually by the county auditors.⁸⁸

Most of the records in the sheriff's office are of very recent date. This is due to the fact that it is customary for each retiring sheriff to keep most of his own records. These records are found in his office in the county jail unless otherwise indicated.

83. 1933 P.L. 14 sec. 2.

84. 1790, 2 Sm.L. 531 sec. 28.

85. 1834 P.L. 537 sec. 78.

86. 1937 P.L. 497 sec. 7 rep. 1939 P.L. 872 sec. 1201 but reen. in sec. 628(f).

87. 1933 P.L. 14 sec. 3.

88. 1811, 5 Sm.L. 228 sec. 26; 1834 P.L. 537 sec. 48 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 363 am. 1931 P.L. 401 sec. 1.

Execution of Writs
(See also entries 58, 127-136)

287. SUMMONS DOCKET, 1881-1921, 1936--. 11 vols.
Title varies: Sheriffs Summons Docket, 1881-1921,
9 vols.; Summons Book, 1898-1903, 1 vol.

Record of summons and writs served by sheriff, showing court term and case no.; names of parties and attorneys; type of instrument; cause for action; dates issued, served, and returned; itemized cost; date paid; and name of official server. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. Aver. 350 pp. $1\frac{1}{4}$ x $11\frac{1}{2}$ x $2\frac{1}{2}$. 10 vols., 1881-1921, cth. bsmt. vlt. A.; 1 vol., 1936--, off.

288. EXECUTION DOCKET, 1936--. 1 vol.

Record of proceedings in execution of judgments, showing court term and case no., names of parties, type of writ, amount involved, location and description of property levied on, date of sale, amount realized, names of purchaser and sheriff conducting sale, and itemized costs. Arr. chron. by court term. Indexed alph. by first letter of surnames of parties. Hdw. 300 pp. $12\frac{3}{4}$ x $18\frac{1}{2}$ x 2.

Licenses
(See also entry 318)

289. FIREARM PERMITS, 1931--. 1 f.d.

Duplicate copy of firearm permits issued, showing permit no. and date; name, address, and physical description of licensee; reason granted; make, calibre, and serial no. of weapon; date of expiration of permit; and signatures of licensee and sheriff. Arr. alph. by first letter of surname of licensee. No index. Hdw. on ptd. fm. 4 x 6 x 12.

Accounts

290. RECEIPTS AND EXPENDITURES, 1936--. 1 vol.

Sheriff's daily record of fees earned and collected, and expenditures incurred in service of writs, showing date, type of writ, name of payer, court term and case no., amount and type of fees collected, amount and purpose of expenditures, and total amounts. Arr. chron. by date of entry. No index. Hdw. $18\frac{1}{2}$ x 13 x 2.

291. (REAL ESTATE AND PERSONAL PROPERTY SALES RECORD), 1935--. 1 vol.

Sheriff's summary record of transactions of sales of levied real and personal property, showing court term and case no.; names of parties, attorneys, and court; date and type of writ issued; location and description of property; amounts of debt, interest, execution costs, and attorneys' commissions; date and amount of sale; and name of sheriff conducting sale. Arr. chron. by date of sale. No index. Hdw. 200 pp. $1\frac{1}{4}$ x 13 x 2.

VIII. JAIL WARDEN

One of the sheriff's duties is to manage the county jail, and, with court approval, to appoint its warden and staff.¹ In many counties, it is customary for the sheriff personally to act as warden. This is the case in Adams County. A jail warden may follow any line of endeavor except that of tavern keeper.² He serves during the term of the sheriff who appointed him³ and may be removed or suspended from office at the discretion of the court of quarter sessions.⁴ He must take an oath,⁵ but no bond is required from him. The warden's salary, like that of all employees of the jail, is fixed by the court,⁶ and the sheriff of Adams County receives no additional compensation for his services as jail warden. He is paid, however, for the maintenance of prisoners on a per capita basis. The amount, determined by county commissioners subject to the approval of the court of quarter sessions, may not exceed 75 cents a day for each inmate.⁷

The jail warden is in almost complete charge of the county jail. He must attend to the clothing, diet, lodging, and safekeeping of the prisoners, whom he may punish when he finds it necessary.⁸ Formerly he was required to superintend and direct the labors of the prisoners,⁹ but since 1899 he has shared this duty with the county commissioners, and then only in his capacity as sheriff.¹⁰ He may assign any prisoner except those under sentence of death to work on the roads.¹¹ The warden must receive into the jail any United States prisoners,¹² prisoners of war,¹³ or military offenders,¹⁴ and he must permit the representatives of the State Department of Welfare to make their periodical inspections of the jail.¹⁵ The law forbids the warden to allow spirituous liquors to be received by any prisoner. If he permits

1. 1790, 2 Sm.L. 531 sec. 28.

2. 1730, 1 Sm.L. 181 sec. 19.

3. 1790, 2 Sm.L. 531 sec. 28.

4. Ibid., sec. 29.

5. 1929 P.L. 1278 sec. 53.

6. 1790, 2 Sm.L. 531 sec. 28.

7. 1856 P.L. 314 sec. 1 rep. 1907 P.L. 230 No. 180 sec. 2 but reen. in sec. 1 am. 1913 P.L. 346 rep. 1927 P.L. 310 sec. 2 but reen. as am. in sec. 1.

8. 1790, 2 Sm.L. 531 sec. 28; 1923 P.L. 775 No. 306.

9. 1790, 2 Sm.L. 531 sec. 28.

10. 1899 P.L. 89 sec. 3; 1907 P.L. 247 sec. 3.

11. 1915 P.L. 812 sec. 2.

12. 1789, 2 Sm.L. 513 sec. 2.

13. 1814 P.L. 79, 6 Sm.L. 118 sec. 1.

14. 1921 P.L. 869 sec. 61 am. 1923 P.L. 227 sec. 12 further am. 1937 P.L. 1213 sec. 3.

15. 1921 P.L. 1144 sec. 12.

this, he is fined and removed from office.¹⁶

Upon the written request of the district attorney, the warden may take fingerprints of anyone in the county jail. He must furnish the State Motor Police, upon request, with the fingerprints, photograph, and description of any inmate.¹⁷

A number of reports must be sent by the jail warden to other officials. He prepares a quarterly report for the county commissioners, giving numerous stipulated details, such as the list of inmates, the terms for which they are sentenced, and the court which committed them.¹⁸ A report of similar nature is made annually for certain State authorities. From 1847 until 1872, it was made to the Secretary of the Commonwealth¹⁹ and since 1872 to the Secretary of Welfare.²⁰ The warden also furnishes the county commissioners with a calendar of prisoners and the amount of work done by them.²¹ The warden of any prison to which an inmate is transferred or retransferred must give notice of that fact to the county commissioners of the county in which the prisoner was originally sentenced and the clerk of the court which sentenced him.²²

The warden must prepare a book with the name and prison record of everyone lodged in the jail for more than 6 months.²³ More complete information is kept concerning felons. This record, containing their description and Bertillon measurements, as well as their photographs and criminal histories taken from court records, must not be made public. It may be used as evidence, however, in subsequent trials, and is open to the inspection of any officer of the court.²⁴ The warden must also keep records of the physical and mental tests given to the prisoners.²⁵ He keeps a list of all United States prisoners²⁶ and prisoners of war²⁷ who are confined in the prison. These records form the basis for reimbursement by the Federal Government for the maintenance of such prisoners.

Most of the records kept by the warden of the Adams County jail are of very recent date. He has kept papers filed in the commitment and discharge of inmates since 1938

16. 1807, 4 Sm.L. 393 sec. 5.
17. 1927 P.L. 414 secs. 2, 5(a).
18. 1790, 2 Sm.L. 531 sec. 30; 1807, 4 Sm.L. 393 sec. 4.
19. 1847 P.L. 172 sec. 1.
20. 1872 P.L. 42 secs. 1, 2 am. 1893 P.L. 285.
21. 1790, 2 Sm.L. 531 sec. 30.
22. 1923 P.L. 1044 sec. 5.
23. 1861 P.L. 462 sec. 1.
24. 1889 P.L. 103.
25. 1921 P.L. 433 No. 208 sec. 1.
26. 1789, 2 Sm.L. 513 sec. 3.
27. 1814 P.L. 79, 5 Sm.L. 118 sec. 3.

and a daily record of admissions and discharges since 1936. The book entitled Prison Record gives the various data which the warden must keep about the individual prisoners. Since 1936 a record has been kept of all supplies purchased for the use of the county prison. The only remaining record relating to the county prison is a book from the years 1867 and 1868 in which the warden noted all money which he kept for prisoners. The records of United States prisoners and war prisoners have not been preserved, since they are discarded when they have served their purpose.

The records of the jail warden are found in the office in the county jail unless otherwise indicated.

292. COMMITMENTS, DISCHARGES, AND DETAINERS, 1938--.
1 f.b.

Papers filed in commitments and discharges of inmates of county prison and detainees lodged against inmates pending completion of sentence, showing court term and case no., name of inmate, charge, term of sentence, name of committing official, dates committed and discharged; detainees show date, name of inmate, cause for action, place where wanted, and official seal and signatures. Arr. alph. by first letter of surname of inmate. No index. Hdw. and typed on ptd. fm. 12 x 16 x 24.

293. DAILY COMMITMENT AND DISCHARGE RECORDS, 1936--.
2 vols.

Record of admissions and discharges from county prison, showing register no., name of inmate, charge, term of sentence, name of committing official, and dates admitted and discharged. Arr. num. by register no. No index. Hdw. on ptd. fm. Aver. 200 pp. 15 $\frac{1}{4}$ x 11 $\frac{1}{2}$ x 3/4.

294. PRISON RECORD, 1938--. 1 f.b.

Record of inmates of county prison, showing name, address, age, sex, color, marital status, and physical description of inmate; charge; name of committing official; name and address of nearest kin; and dates of commitment and discharge. Arr. alph. by first letter of surname of inmate. No index. Hdw. and typed on ptd. fm. 4 x 6 x 12.

295. PRISON SUPPLY BOOK, 1936--. 1 vol.

Record of supplies purchased for use of county prison, showing date, names of items, quantity, total cost, name of dealer, date paid, and check no. Arr. chron. by date of entry. No index. Hdw. 50 pp. 11 3/4 x 15 $\frac{1}{2}$ x 3/4.

296. SHERIFFS RECEIPT BOOK, 1867-68. 1 vol.

Record of money received by sheriff from prisoners in his custody, showing date, name of prisoner, amount, and signature of prisoner. Arr. chron. by date received. No index. Hdw. 40 pp. 6 x 8 x $\frac{1}{2}$. Cth. bsm. vlt. A.

IX. CORONER

Evolution and Structural Organization

William Penn's Frame of Government made the coroner a county officer and formulated provisions for the selection of this official which continued to be followed for more than a century and a half. The freemen of each county elected two persons from whom the Governor chose the coroner.¹ The Constitutions of 1776 and 1790 stipulated that the same method of selecting the coroner be used,² and it was not until 1838 that this office became a wholly elective one.³ Although the act establishing Adams County in 1800 provided that county officers be elected in the next general election,⁴ there does not seem to have been a coroner until 1803.

For at least a year before his election, the coroner must have held American citizenship and residence in the county.⁵ The coroner of Adams County had a 3-year term of office⁶ until 1909, when his tenure, like that of all county officers, was increased to 4 years.⁷ Vacancies are filled by the Governor.⁸ The coroner must post a bond one-fourth as large as that given by the sheriff, and he must acknowledge it before the recorder of deeds.⁹ Before assuming office he takes an oath which is filed in the office of the prothonotary.¹⁰ The coroner of Adams County receives no salary,¹¹ his only remuneration being fees, the amounts of which are set by law.¹²

Functions and Records

The coroner's chief duty is to investigate all sudden, mysterious, or violent deaths occurring in the county. In such cases, he may hold an inquest, summoning a coroner's

1. The Frame of the Government (1682) in Charter to William Penn, p. 97, sec. 17; William Penn's Charter to the People (1683) in Charter to William Penn, p. 159, sec. 16; 1705-6, II St. at L. 272 sec. 1.

2. Const. 1776, ch. II, sec. 31; Const. 1790, art. VI, sec. 1.

3. Const. 1838, art. VI, sec. 1.

4. 1800, XVI St. at L. 392 secs. 5-7.

5. Const., art. XIV, sec. 3.

6. Const. 1790, art. VI, sec. 1; Const. 1838, art. VI, sec. 1; Const., art. XIV, sec. 1.

7. Const., art. XIV, sec. 1 as am. 1909; 1929 P.L. 1278 sec. 201.

8. 1929 P.L. 1278 sec. 60; 1929 P.L. 1278 sec. 205 am. 1931 P.L. 401 sec. 1.

9. 1803 P.L. 497 secs. 1, 2 rep. 1876 P.L. 46; 1834 P.L. 537 secs.

66. 67 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 201, 212, 213; 1939 P.L. 359.

10. Const., art. VII, sec. 1.

11. Pennsylvania Manual, 1937, p. 954.

12. 1814 P.L. 352, 6 Sm.L. 228 sec. 19 am. 1927 P.L. 168 No. 141.

jury and calling whatever witnesses he needs.¹³ When he decides that an inquest is not necessary, he receives the same fees and mileage as if he had held one.¹⁴ Whether or not an inquest is held, the coroner issues a certificate stating the probable cause of death.¹⁵ The costs of a coroner's inquest are borne by the county, but if death be adjudged a case of murder or manslaughter, they are paid from the slayer's property.¹⁶ It is usually the custom for the coroner to investigate all deaths occurring in prison.¹⁷ Whenever a death occurs without medical attendance a certificate is issued by the coroner before burial is permitted.¹⁸ The law provides that in cases where a death occurs more than 10 miles from the coroner's office or when the coroner is for any reason unable to be present, a justice of the peace may hold an inquest.¹⁹

Whenever a county establishes a morgue, the coroner is in charge of it, appointing and removing its employees and making any rules necessary for its operation.²⁰ Such an institution has not been established in Adams County, but when one is needed, the coroner may make use of any convenient private morgue, the owner of which is compensated by the county.²¹ Whenever an unidentified person dies in the county, his effects are in the coroner's charge until the person entitled to them appears and claims them.²²

A coroner is permitted to appoint and dismiss as many deputies as he considers necessary. A deputy may legally perform any of the coroner's duties, and he receives the same fees as are designated for his principal.²³ In Adams County, however, the coroner has no deputies and in his absence the court appoints an acting coroner.

The coroner acts as sheriff in case of a vacancy in that office. He holds office until a new sheriff is legally commissioned and notice of that fact is given to the coroner.²⁴ Moreover, the sheriff substitutes for the coroner under sim-

13. 1857 P.L. 536 sec. 1; 1907 P.L. 92 secs. 1, 2 am. 1935 P.L.

710 sec. 2.

14. 1897 P.L. 8 No. 6.

15. 1915 P.L. 900 sec. 8.

16. 1814 P.L. 352, 6 Sm.L. 228 sec. 19 am. 1927 P.L. 168 No. 141.

17. Alderfer, *op. cit.*, p. 27.

18. 1905 P.L. 330 sec. 8 sup. 1915 P.L. 900 sec. 8.

19. 1841 P.L. 400 sec. 15.

20. 1893 P.L. 457 sec. 1 par. 3, 4 am. 1899 P.L. 52 sec. 1; 1929 P.L. 1278 sec. 203.

21. 1911 P.L. 717.

22. 1907 P.L. 92 sec. 2 am. 1935 P.L. 710 sec. 2.

23. 1889 P.L. 162 No. 180 am. 1893 P.L. 330 No. 269 am. 1917 P.L. 1084 all rep. 1929 P.L. 1278 sec. 1051; 1929 P.L. 1278 sec. 202.

24. 1803 P.L. 497 sec. 7 sup. 1834 P.L. 537 sec. 75 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 204 am. 1933 P.L. 945.

ilar circumstances.²⁵ As a natural phase of this relationship between the two offices, any writs on the sheriff are served by the coroner.²⁶

The coroner must keep accounts which are audited once a year by the county auditors.²⁷ In Adams County, all records now found in this office date from 1923. They consist of copies of the reports of inquests held and of the costs of inquests.

An office is maintained by the coroner at 256 Baltimore Street, Gettysburg, in which his records are found.

297. (REPORT OF INQUISITIONS), 1923--. 2 f.b. Copies of reports in inquests held by coroner, showing date of report; name, address, and physical description of deceased; date, place, and cause of death; names of witnesses and jurors; findings; and signatures of coroner and jurors. Arr. chron. by date of inquest. No index. Hdw. and typed on pt. fm. $3 \times 10\frac{1}{2} \times 12$.

For clerk of courts' file of coroner's inquest, see entry 214.

298. (CORONERS INQUEST COSTS), 1923--. 2 f.b. Copies of monthly inquest costs, showing date, name of deceased, costs of viewing body, witness and jury fees, mileage, and totals for each case and month. Arr. chron. No index. Hdw. and typed on ptd. fm. $3 \times 10\frac{1}{2} \times 12$.

25. 1929 P.L. 1278 sec. 190 added 1931 P.L. 401 sec. 6.
26. 1901 P.L. 614 sec. 1(15).
27. 1929 P.L. 1278 sec. 363 am. 1931 P.L. 401 sec. 1.

X. DISTRICT ATTORNEY

Evolution and Structural Organization

The predecessor of the district attorney was the former deputy attorney general, appointed in each county by the State Attorney General. Although there was no particular law creating these officers their existence was recognized in a number of acts.¹ A law passed in 1850 required that a district attorney be elected in each county to supplant the deputy attorney general.²

The district attorney must be an American citizen³ and a resident of the county for at least 2 years prior to his election. He must be a lawyer who has practiced before a court of record for 2 years and who has been admitted to practice before the Supreme Court or the Superior Court for at least 6 months prior to taking office. No district attorney is permitted to sit in the State legislature during his term or to hold any other office under the laws or Constitution of the State except in the militia.⁴ His term of office was for 3 years⁵ until 1909 when a constitutional amendment increased the tenure of all county officers to 4 years.⁶ A district attorney may be re-elected. Vacancies are filled by the court of quarter sessions for the remainder of the unexpired term.⁷ In case of temporary absence of this officer from court, however, the court of quarter sessions may appoint someone to perform his duties until the district attorney appears in person.⁸ An oath is required before the district attorney may assume office.⁹ A new law fixes his compensation at \$1,800 annually¹⁰ and expenses.¹¹ The county must also provide him with a suitably furnished office, supplies, light, heat, and telephone,¹² as well as whatever law books the judge decides that he needs.¹³ If the district attorney accepts any "fee or reward not pre-

1. Eastman, op. cit., II, 471.

2. 1850 P.L. 654 sec. 1.

3. Const., art. XIV, sec. 3; 1929 P.L. 1278 sec. 245.

4. 1929 P.L. 1278 sec. 246 am. 1931 P.L. 401 sec. 1 further am. 1937 P.L. 2619 sec. 1 further am. 1939 P.L. 464.

5. 1850 P.L. 654 sec. 1.

6. Const., art. XIV, sec. 1; Const., art. XIV, sec. 2 as am. 1909.

7. 1929 P.L. 2178 sec. 247.

8. 1855 P.L. 308 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 261.

9. Const., art. XIV, sec. 1; 1850 P.L. 654 sec. 2.

10. 1929 P.L. 1278 sec. 246 am. 1931 P.L. 401 sec. 1 further am. 1937 P.L. 2619 further am. 1939 P.L. 464.

11. 1923 P.L. 973 sec. 1.

12. 1929 P.L. 1278 sec. 5561 added 1931 P.L. 401 sec. 19.

13. 1929 P.L. 1278 sec. 250 added 1931 P.L. 401 sec. 9.

scribed for his official duties" or is willfully or grossly negligent, he is guilty of a misdemeanor. Upon conviction, he may be fined and imprisoned, and his office is declared vacant.¹⁴

Functions and Records

The district attorney signs all bills of indictment and conducts all criminal prosecutions in the name of the State. Without the approval of the court, he may neither enter nolle prosequi in any criminal case nor discharge a prisoner from custody.¹⁵ Before any trial, the district attorney must notify at least one person whose presence there is desired by the defendant.¹⁶

One of the few persons permitted to attend the sessions of the grand jury is the district attorney.¹⁷ Whenever a person about to be discharged by the grand jury seems insane, the district attorney prepares a new indictment to be considered by the grand jury in determining whether or not the person is sane.¹⁸

A number of miscellaneous duties belong to the district attorney. He must make investigations of all applications for public dance hall licenses.¹⁹ Until 1937 he was authorized to petition for the withdrawal of any liquor licenses²⁰ and to sue for the collection of forfeited liquor license bonds.²¹ The responsibility of beginning action against a negligent railroad employee belongs to this officer.²² The district attorney also gives papers concerning the commitment of children to institutions to a judge of the court of quarter sessions who makes the final decision on the matter.²³ The district attorney is also responsible for investigating cases of alleged fraud in election.²⁴

Several subordinates may be designated by this officer. With the approval of the court, he may appoint an assistant

14. 1860 P.L. 388 sec. 17; 1929 P.L. 1278 sec. 348.

15. 1850 P.L. 654 sec. 1.

16. 1935 P.L. 643 No. 228 sec. 2.

17. George J. Edwards, Jr., The Grand Jury, p. 109.

18. 1860 P.L. 427 sec. 68.

19. 1927 P.L. 968 sees. 4, 6.

20. 1933 P.L. 252 sec. 13 am. 1933-34 (Sp. Sess.) P.L. 75 No. 14 sec. 1 further am. 1935 P.L. 1217 sec. 1 further am. 1937 P.L. 1827 sec. 3.

21. 1933-34 (Sp. Sess.) P.L. 15 sec. 410 am. 1935 P.L. 1246 sec. 1 further am. 1937 P.L. 1762 sec. 1.

22. 1865 P.L. 30 sec. 2.

23. 1893 P.L. 399 sec. 4.

24. 1893 P.L. 419 sec. 27 am. 1903 P.L. 338 sec. 4 rep. 1937 P.L. 1333 sec. 1901; 1937 P.L. 1333 sec. 302(i).

district attorney,²⁵ and he may employ a detective for the investigation of any crimes committed within the county.²⁶ Neither of these offices has been established in Adams County, however. With the consent of the county commissioners, he is permitted to employ a stenographer whose salary is fixed by the commissioners within limits set by law.²⁷ Whenever the district attorney is unable for any reason to perform his duties, he may designate a competent attorney of the county to act as his deputy. The deputy must be approved by the court, and may serve for but one term of court. Fingerprint experts may be employed by the district attorney to assist in investigations of pending cases and to testify when the cases come to trial. The district attorney is authorized to take the fingerprints of any inmate of the county jail and to require the sheriff or any other person to take such fingerprints.²⁸

This officer must give any information requested by the State Board of Pardons³⁰ and by the Department of Welfare.³¹ At the request of any prison warden, the district attorney is obliged to forward to him a criminal history of any given criminal.³²

Records

The district attorney is supposed to keep and arrange files of the fingerprints of persons convicted of crimes and of well known and habitual criminals.³³ In Adams County these files are actually in the hands of the Department of Criminal Intelligence of the Pennsylvania State Motor Police at Gettysburg. Duplicates have been given to the sheriff.

- 25. 1929 P.L. 1276 sec. 256 am. 1931 P.L. 401 sec. 1 further am. 1937 P.L. 2619 sec. 2 further am. 1939 P.L. 233.
- 26. 1929 P.L. 1278 sec. 279 am. 1931 P.L. 401 sec. 1.
- 27. 1929 P.L. 1278 sec. 262 am. 1931 P.L. 401 sec. 1 further am. 1937 P.L. 2619 sec. 2.
- 28. 1850 P.L. 654 sec. 7 sup. 1929 P.L. 1278 sec. 260.
- 29. 1927 P.L. 414 sec. 5(a, b).
- 30. 1931 P.L. 71 No. 53 sec. 1.
- 31. 1929 P.L. 177 sec. 2311.
- 32. 1889 P.L. 103 sec. 2.
- 33. 1927 P.L. 414 sec. 5(c).

XI. GRAND JURY

Evolution and Structural Organization

The grand jury may be composed of from 12 to 24 persons, but no more than 23 are ever called, since decision is made by 12 concurring votes.¹ At first grand jurors were chosen by the sheriff on any basis he chose,² but since 1805 their names have been drawn by lot, first by the sheriff and county commissioners³ and since 1867 by the sheriff and jury commissioners.⁴ Grand jurors must be qualified voters of the county.⁵ They serve for one term of court, but if the judge feels it necessary, he may require them to appear a week earlier or remain for an additional week beyond the scheduled term.⁶ After a juror has served, his name may not be replaced in the jury wheel until a year has elapsed.⁷

Whenever an insufficient number of grand jurors appear, the judge may fill the vacancies by resorting to a tales de circumstantibus. This consists of summoning bystanders to serve as jurors.⁸ Grand jurors may be removed for cause, but peremptory challenges, permissible in the case of petit jurors, are forbidden against grand jurors.⁹ No bond is required, but all jurors must take an oath. Thereafter any juror is entitled to administer oaths to witnesses and other jurors.¹⁰ The compensation of jurors is set by law at \$3 a day and mileage.¹¹

Functions and Records

The grand jury has three entirely different functions. It is an accuser and an intermediary between the local magistrates and the court, an approver of certain public works, and an inspector of various county institutions.

In the first respect, its duty is to consider cases brought to its attention, in order to determine whether there

1. Edwards, op. cit., p. 45.

2. 1700, II St. at L. 132 ch. XCVIII.

3. 1805 P.L. 183, 4 Sm.L. 237 sec. 1 sup. 1834 P.L. 333 sec. 79; 1816, 6. Sm. L. 322 sec. 1.

4. 1867 P.L. 62 sec. 3.

5. Ibid., sec. 2.

6. 1875 P.L. 28 sec. 2 am. 1927 P.L. 420 sec. 2.

7. 1834 P.L. 333 sec. 136.

8. Edwards, op. cit., p. 52.

9. Ibid., p. 82.

10. 1826 P.L. 204 sec. 1 rep. 1860 P.L. 427 sec. 79 but reen. in sec. 10.

11. 1933 P.L. 851 No. 153.

is sufficient evidence to hold the accused person for trial. Cases are brought to the grand jury either through presentment or through indictment. The former refers to the bringing up of cases from their own knowledge by members of the grand jury, and the latter method is by a written accusation "preferred to and presented upon oath to the grand jury". In case of introduction of cases by presentment, an indictment always follows.¹²

Grand jury sessions are held behind closed doors, attend only by the person bringing the charge, the accused person, the district attorney, and witnesses summoned for the prosecutor by the district attorney. It hears only evidence in favor of the prosecution,¹³ secured from three sources: From the court, from the district attorney and his witnesses, and from the jurors' own observations and investigations.¹⁴ Unlike Federal grand juries and those of some of the other states, a grand jury in Pennsylvania may not itself call in witnesses.¹⁵ The accused person may not be represented by counsel nor may he say anything in his defense or bring in witnesses.¹⁶ The jurors may not be forced to disclose what evidence they considered or how their vote stood.¹⁷ Witnesses called before the grand jury must give all information demanded unless it tends to incriminate them. In such cases, however, unless the witness admits that the reason for refusal to testify is fear of personal incrimination, he may be indicted for contempt of court.¹⁸

If the grand jury finds a true bill, the case is held for trial, but if not true bill is found, the grand jury decides whether the costs of prosecution are to be paid by the county or the prosecutor.¹⁹ When a person about to be discharged seems insane, the grand jury is empowered to investigate the matter, after which the court impanels a jury to try the person's sanity.²⁰ Whenever anyone is dismissed as innocent the grand jury, no appeal from its actions is possible.²¹

Approval by the grand jury and the court of quarter sessions is necessary before certain public works may be constructed and various changes made within the county. The grand jury must approve the establishment of new boroughs²² as well as the annexation of territory by any borough now in

- 12. Edwards, op. cit., pp. 130, 131.
- 13. 1887 P.L. 158 sec. 1.
- 14. Edwards, op. cit., p. 109.
- 15. Ibid., p. 101.
- 16. Ibid., p. 36.
- 17. Ibid., pp. 109, 116.
- 18. Ibid., p. 133.
- 19. 1850 P.L. 427 sec. 62.
- 20. Ibid., sec. 68.
- 21. Edwards, op. cit., p. 40.
- 22. 1834 P.L. 163 sec. 2.

existence.²³ Its consent must be given before any county road or bridge may be built, vacated, or removed.²⁴ If a township or borough declares itself unable to afford the maintenance of any township or borough bridge, the grand jury investigates the matter and decides whether it shall become a county bridge or remain in its present status.²⁵ Grand jury and court approval must be secured for all expenses for repairs and alterations of the public buildings of the county.²⁶ Neither a county home for children²⁷ nor a shelter for vagrants may be established without the same approval. In the latter case, the grand jury fixes the amount which may be expended for a shelter. The grand jury and the court must also approve the construction of county sewers and disposal plants,²⁸ as well as an addition to the poor-house,²⁹ construction work for the abolition of a grade crossing,³⁰ and the abandonment, removal, vacation, or replacement of a county bridge.³¹

Certain other actions require the approval both of the court and two successive grand juries. Such is the case when any land is to be purchased for county purposes³² and when any workhouse,³³ morgue,³⁴ or other county building³⁵ is to be constructed or rebuilt. The same approval is required in order for the county to build a soldiers' monument or memorial hall, or to finish an incompletely one.³⁶

The law does not require that any records be kept by the grand jury, and none are kept by it in Adams County.

23. 1927 P.L. 519 sec. 410.

24. 1929 P.L. 1278 secs. 771-774, 916.

25. Ibid., sec. 751 am. 1931 P.L. 401 sec. 1.

26. 1929 P.L. 1278 sec. 552.

27. 1921 P.L. 666 No. 281 secs. 1, 9 am. 1931 P.L. 22 No. 21.

28. 1876 P.L. 154 sec. 6.

29. 1929 P.L. 1278 sec. 1003.

30. Ibid., sec. 615.

31. Ibid., sec. 732 am. 1931 P.L. 401 sec. 1; 1929 P.L. 1278 sec.

734.

32. 1929 P.L. 1278 sec. 566.

33. Ibid., sec. 568.

34. 1893 P.L. 457 No. 327 sec. 1 am. 1899 P.L. 52 sec. 1.

35. 1834 P.L. 537 sec. 10 am. 1885 P.L. 58 sec. 1 further am. 1911 P.L. 1039 sec. 1 further am. 1921 P.L. 271 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 552, 553, 566.

36. 1929 P.L. 1278 secs. 592, 593.

XII. SOLICITOR

The office of county solicitor was set up in Adams County in 1897¹ according to the terms of a law passed 2 years earlier.² The act of 1895 permitted the commissioners of any county to appoint as their solicitor "an attorney at law admitted and qualified to practice in the courts of Pennsylvania." He holds office during the term of the commissioners who appointed him.³ Before assuming office he must take an oath⁴ and file an agreement to pay into the county treasury "all fees, attorney's fee, and commissions received from every source as county solicitor."⁵ His salary is determined by the county commissioners.⁶ The present solicitor of Adams County receives \$800 annually.⁷

The solicitor commences and prosecutes all suits brought by the county and defends all actions brought against the county.⁸ Recent laws require that he also act as solicitor for the registration commission⁹ and the county board of elections.¹⁰ Moreover, the solicitor performs any other professional duties which may be required of him by the commissioners.¹¹

The county solicitor is not required to keep any records.

1. Smull's Legislative Hand Book, 1897, p. 785.

2. 1895 P.L. 101 No. 75.

3. Ibid., sec. 2 am. 1903 P.L. 11 No. 11 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 151.

4. 1929 P.L. 1278 sec. 53.

5. 1895 P.L. 101 No. 75 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 151.

6. Ibid.

7. Pennsylvania Manual, 1939, p. 954.

8. 1895 P.L. 101 No. 75 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 152.

9. 1937 P.L. 487 sec. 6.

10. 1937 P.L. 1333 sec. 306.

11. 1895 P.L. 101 No. 75 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 152.

XIII. PROBATION AND PAROLE OFFICE

Evolution and Structural Organization

The court of quarter sessions has always had wide jurisdiction over neglected and dependent persons and over various classes of offenders. The court's approval was required before any indenture could be reassigned at the death of the master or mistress of an apprentice.¹ It was likewise given the power to issue support orders and commit the offenders to jail until they were able either to comply with the order or to give security for its performance.² Moreover, any poor person ordered by a justice of the peace to be removed to another county might appeal to the court of quarter sessions if he considered himself aggrieved by such a requirement.³ The same court was permitted to return to reform school any inmate who was ill-treated in the place to which the school had indentured or otherwise assigned him.⁴

As a natural outgrowth of such powers and responsibilities as well as of its jurisdiction over criminal cases, the court of quarter sessions was given general supervision over probation and parole as these systems were adopted: In 1901 over neglected and dependent children,⁵ in 1909 over adult first offenders convicted of any but the most serious crimes,⁶ in 1911 over parolees from county penal institutions,⁷ and in 1913 over dependents in desertion cases.⁸

The court may appoint as many probation officers as it considers necessary and for as many of the above functions as it wishes. In every instance, however, adult probation officers may have under their supervision persons of their own sex only.⁹ Probation officers must be "discreet persons, of good character."¹⁰ They are responsible only to the court

1. 1799, 3 Sm.L. 385 sec. 2.

2. 1836 P.L. 539 sec. 31.

3. Ibid., sec. 19.

4. 1879 P.L. 84 sec. 1.

5. 1901 P.L. 279 sec. 6 rep. 1903 P.L. 274 sec. 12; 1903 P.L. 274 sec. 3 am. 1909 P.L. 89 sec. 1 rep. 1933 P.L. 1433 sec. 28 but reen. in sec. 17.

6. 1909 P.L. 495 sec. 3.

7. 1911 P.L. 1059 sec. 1 am. 1921 P.L. 371 further am. 1923 P.L. 204.

8. 1913 P.L. 502 sec. 1 sup. 1917 P.L. 268; 1917 P.L. 773 No. 290 sec. 4.

9. 1909 P.L. 495 sec. 3; 1911 P.L. 1055 sec. 3 am. 1919 P.L. 569.

10. 1901 P.L. 279 No. 185 sec. 6 rep. 1903 P.L. 274 sec. 12 but reen. in sec. 3 rep. 1933 P.L. 1433 sec. 28 but reen. in sec. 17; 1909 P.L. 495 sec. 3.

which appointed them and which may remove them at any time.¹¹ They must take an oath,¹² but no bond is required from them. At first probation officers were forbidden to receive any compensation from the public treasury,¹³ but now the county provides them with a salary determined by the court, as well as expenses incurred in the performance of their duties.¹⁴ If the court deems it necessary, it may appoint one or more clerks to aid the probation officers. Their salaries are fixed jointly by the court and the county commissioners.¹⁵ In Adams County the probation office was set up in 1923. It has a chief probation officer who receives \$720 a year and an assistant, a woman, whose compensation is \$240 a year. Although they are officially adult probation officers, they handle any juvenile cases which arise, and also act as parole officers.

Functions and Records

Probation officers must perform whatever duties the court of quarter sessions directs. The law suggests that they attend court whenever cases are heard concerning persons under their supervision. They must secure any information requested by the court. Their chief duty, however, is to keep informed about the condition and conduct of their charges.¹⁶ This is usually achieved by requiring the persons to report to the officer periodically. Desertion probation officers may be required to collect support orders and deliver them to the designated recipient.¹⁷ Probation officers must keep accounts which are checked by the county auditors. The results of these audits must be reported to the court of quarter sessions.¹⁸ Any reports requested by the Department of Welfare must be prepared for it by the probation officers.¹⁹

Probation and parole officers must keep any records required by the court of quarter sessions.²⁰ In Adams County these consist of case histories of all persons coming under their supervision since the office was established in 1923.

11. 1909 P.L. 495 sec. 3; 1911 P.L. 1055 sec. 3 am. 1919 P.L. 569 sec. 1; 1933 P.L. 502 sec. 3; 1933 P.L. 1433 sec. 17.

12. 1929 P.L. 1278 sec. 53.

13. 1901 P.L. 279 No. 185 sec. 6 rep. 1903 P.L. 274 sec. 12 but reen. in sec. 3.

14. 1909 P.L. 495 sec. 1; 1911 P.L. 1055 sec. 3 am. 1919 P.L. 569; 1913 P.L. 502 sec. 3; 1933 P.L. 1433 sec. 17.

15. 1933 P.L. 1433 sec. 17.

16. 1901 P.L. 279 No. 185 sec. 6 rep. 1903 P.L. 274 sec. 12 but reen. in sec. 3 rep. 1933 P.L. 1433 sec. 28 but reen. in sec. 17; 1909 P.L. 495 sec. 1; 1911 P.L. 1055 sec. 3 am. 1919 P.L. 569 sec. 1.

17. 1913 P.L. 502; 1917 P.L. 773 No. 290 sec. 4.

18. 1929 P.L. 1278 sec. 372.1 added 1931 P.L. 401 sec. 12.

19. 1929 P.L. 177 sec. 23¹¹.

20. 1901 P.L. 279 sec. 6 rep. 1903 P.L. 279 sec. 12 but reen. in sec. 3 am. 1909 P.L. 89 sec. 1 rep. 1933 P.L. 1433 sec. 28 but reen. in sec. 17; 1909 P.L. 495 sec. 4; 1911 P.L. 1055 sec. 3 am. 1919 P.L. 569.

Case Histories
(See also entries 211, 212)

299. ADULTS AND JUVENILES PROBATION AND PAROLE, 1923--.
2 f.b. (Active, Closed).

Case histories of adults and juveniles, placed on probation or parole, showing name, address, age, sex, and physical description of probationer or parolee; dates of arrest and trial; charge; name of judge; period of probation or parole; probation officers' reports; and date case marked closed. Arr. alph. by first letter of surname of defendant. No index. Typed. 14 x 16 x 18. Off.

XIV. JURY COMMISSIONERS

When Adams County was established, all jurors were selected by the sheriff, who chose them in any way he wished;¹ but in 1805 a new law required that prospective jurors be chosen by lot from names placed inside a jury wheel and "sufficiently intermixed."² The task of drawing names from the wheel belonged to the sheriff and the county commissioners.³ In 1867, however, the office of jury commissioner was created to take over some of the duties connected with the selection of jurors.⁴

In each county there are two jury commissioners, "sober, intelligent, and judicious persons."⁵ Each elector of the county votes for one candidate for jury commissioner, and the two persons with the highest number of votes are elected.⁶ In any county, therefore, there is usually one jury commissioner from each of the two major political parties. At first they served for 3 years,⁷ but their tenure, like that of all county officers, was increased to 4 years by a constitutional amendment of 1909.⁸ A jury commissioner may be re-elected any number of times.⁹ Vacancies are filled by the president judge of the county for the remainder of the original term.¹⁰ No bond is required, but the jury commissioners must take an oath before they draw any names from the wheel.¹¹ In a seventh-class county such as, Adams the jury commissioners are paid \$5 for each day on which they are actually engaged in their official duties.¹²

Every year at least 30 days before the opening of the first session of the court of common pleas, the jury commissioners meet with the president judge of the county or an additional law judge. Any two members of this group constitute a quorum. They select alternately from the list of the qualified voters those whose names are to go into the jury wheel. After they have placed the name slips in the wheel, it is locked and given into the custody of the jury commissioners, while the sheriff has charge of its key.¹³ Later

1. 1700, II St. at L. 152 ch. XCVIII.

2. 1805, XVII St. at L. 1011; 1834 P.L. 33 secs. 79-95.

3. 1867 P.L. 62.

4. *Ibid.*, sec. 1.

5. *Ibid.*; 1929 P.L. 1278 sec. 293 am. 1931 P.L. 401 sec. 1.

6. 1867 P.L. 62 sec. 1.

7. Const., art. XIV, sec. 2 as am. 1909.

8. 1929 P.L. 1278 sec. 293 am. 1931 P.L. 401 sec. 1.

9. 1867 P.L. 62 sec. 7; 1929 P.L. 1278 sec. 294.

10. 1867 P.L. 62 sec. 3.

11. 1923 P.L. 112 No. 85 sec. 1.

12. 1867 P.L. 62 sec. 2.

the jury commissioners and the sheriff, or any two of these three, draw from the wheel the names which are to form the jury panels.¹³

The jury commissioners may appoint a clerk to help in the preparation and filling of the jury wheel and the drawing of jurors' names. Approval of the appointment and the clerk's salary must be given by the county commissioners. If the jury commissioners fail to choose a clerk within 30 days after qualifying for office, one is selected by the county commissioners.¹⁴ Any jury commissioner failing to perform any of the duties required of him must pay a fine of \$100.¹⁵

The law does not require that any records be kept by the jury commissioners. In Adams County, however, they kept a minute book from 1913 until 1930.

300. LEDGERS (Minutes of Jury Commissioners), 1913-30.
1 vol.

Minutes of meetings of jury commissioners, showing date, judicial district no., names of members present, number of names placed in jury wheel, names and addresses of citizens selected, type of jury, term of court, and signature of clerk. Arr. chron. by date of meeting. No index. Hdw. 200 pp. 10 x 6 x 3/4. Comms. off. vlt.

13. 1867 P.L. 62 sec. 3.

14. 1903 P.L. 166 sec. 1 am. 1927 P.L. 17 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 295 am. 1933 P.L. 953.

15. 1867 P.L. 62 sec. 6.

XV. BOARD OF REVISION

The power of revising assessments of property has always belonged to the county commissioners,¹ but it was not until 1842 that the commissioners, along with the judges, were named as an ex officio board just for this purpose. An amendment enacted 2 years later provided that the judges no longer belong to the board of revision,² which has ever since consisted of the county commissioners alone. The commissioner holding the oldest certificate of election acts as president of the board. A special oath is taken before the prothonotary or the court of common pleas. It is lodged with the recorder of deeds.³ No additional bond is required from the members, who receive no extra compensation for their services on the board.

As soon as the local assessors have made their returns, the board publishes in at least 2 newspapers a statement showing the aggregate value of the assessments made by each assessor. In this statement the board announces a date within 30 days on which it will finally determine whether any of the assessments have been made below a just rate. This rate is defined as not less than the amount which the property would bring if disposed of at public sale. Meanwhile, prior to the revision date, the members of the board may consider the various returns, preparatory to making their final decision. During this interim any taxable inhabitant may come to the office of the board in order to examine the returns, and may communicate in writing with the board concerning any property which he believes has been assessed too low. On the day appointed for the revision of assessments, the board may either raise or lower the valuations made by the assessors. If the members of the board do not complete the work on the designated day, they may adjourn from day to day until they do so.⁴

When the revisions of the triennial assessments are completed, accurate transcripts of the assessments are made by the clerk of the county commissioners. These transcripts, on which are noted the percental rate of the tax and the date of appeal, are sent to the various local assessors on or before the second Monday in April. It is the responsi-

1. 1715, III St. at L. 83 sec. 2; 1724-25, IV St. at L. 175 sec. 7; 1799, 3 Sm.L. 393 sec. 7 sup. 1834 P.L. 509 sec. 13; 1799, 3 Sm.L. 393 sec. 10 sup. 1834 P.L. 509 sec. 15 rep. 1933 P.L. 853 sec. 601.

2. 1842 P.L. 441 secs. 10-13 am. 1844 P.L. 501 rep. 1933 P.L. 853 sec. 601 but reen. in secs. 501-520.

3. 1842 P.L. 441 sec. 10 am. 1844 P.L. 501 rep. 1933 P.L. 853 sec. 601 but reen. in sec. 501.

4. 1933 P.L. 853 secs. 502-505.

bility of the assessors to give to each person taxed a written or printed notice of the amount at which the property is assessed, the tax rate, and the time and place of appeal. During the years of the inter-triennial assessments, it is necessary to give this notice only to people who have acquired property or whose assessments have been changed since the preceding triennial assessment. Such changes occur only when property has been destroyed or improved, when minerals have been mined out, and when a taxpayer's occupation has been changed so as to alter his assessment for the occupation tax. At the time that this notice is given to the persons assessed, they must be informed if the board has raised the valuation placed on their properties by the assessor. At this time the board also publishes an announcement of the time and place of appeal.⁵

Appeals may be made only in the years of the triennial assessments except in cases in which the alterations in value already mentioned have occurred. They may be heard either at the county seat or in the political division where they originated,⁶ but in all cases the assessor must attend the appeals of persons from his district. Appeals are heard not only on the announced date, but at any time prior to the payment of the taxes. After hearing the appeals from the persons assessed, the board uses its own discretion as to changing the assessments.⁷ Thereupon the assessment stands. Appeals from the board's decision are made only to the court of common pleas⁸ and thence to the Supreme Court or the Superior Court.⁹ The board has similar powers in connection with the assessments of personal property.¹⁰

When all the appeals have been disposed of, duplicates are made of the assessments as determined finally by the board.¹¹ The board furnishes duplicates to all third- and fourth-class school districts for their own use on levying school taxes.¹²

Similar duties belong to the board when a judgment has been obtained against a property on which tax claims exist. If the market value of the property above its encumbrances is less than the amount of taxes and municipal claims due, the board may file in the court which issued the judgment

5. 1933 P.L. 853 secs. 507-510.

6. 1923 P.L. 154 rep. 1933 P.L. 853 sec. 601 but reen. in sec.

513.

7. 1933 P.L. 853 secs. 511-513, 517.

8. 1933 P.L. 518 am. 1935 P.L. 674 sec. 1 further am. 1935 P.L. 1007.

9. 1933 P.L. 853 sec. 519.

10. 1913 P.L. 507 No. 335 secs. 5-12.

11. 1933 P.L. 853 sec. 514.

12. Ibid., sec. 515.

a certificate showing the market value and those liens and encumbrances except taxes which would not be discharged by a sale at such a price. This valuation serves as a guide in setting the upset price below which it cannot be sold.¹³

The law does not require that any records be kept by the board of revision. A record of appeals from assessments has been kept, however, during various years of the county's existence.

301. APPEAL BOOK, 1800-1859, 1912--. 33 vols. (31 vols. dated; 2 vols. unlabeled). Title varies: Appeal Duplicates, 1800-1859, 31 vols.

Record of assessed valuations on property compiled for tax appeal hearings, showing tax year; name and address of taxable; location and description of property; market and assessed valuation; type, rate, and amount of tax; reason of appeal; date adjusted; and amount of abatement. Arr. alph. by first letter of surname of taxable, 1800-1859; arr. chron. by date of entry, 1912--. No index. Hdw. and hdw. on ptd. fm. Aver. 250 pp. 12 x 9 x 1 $\frac{1}{2}$. Comms. off. vlt.

XVI. TREASURER

Evolution and Structural Organization

When Adams County was created, the office of county treasurer was already a well established one in Pennsylvania.¹ Until 1841, when he became an elective officer,² the county treasurer was appointed annually by the county commissioners.³

For at least a year before his election the treasurer must have been a citizen and a resident of the county.⁴ His term of office was increased in 2 years in 1841, to 3 years in 1874, and finally set at 4 years in 1909.⁵ The treasurer is not eligible for re-election.⁶ The law stipulates that a number of officials may not be county treasurer during their continuance in office. These include the judges, prothonotary, clerk of courts, register of wills, recorder of deeds, and county commissioners.⁷ A county auditor may not be treasurer until 2 years after the conclusion of his term of office.⁸

Under certain circumstances the treasurer may be removed from office. If the commissioners believe that he is misusing or improperly managing the county funds, they petition the court of quarter sessions, stating the facts. If the court believes that the complaint is well founded, it may make an order for his removal or may demand the production of additional security by the treasurer.⁹ On request of the Auditor General, the commissioners remove a treasurer

1. The Frame of the Government (1682) in Charter to William Penn, p. 97 secs. 17, 18; The Frame of the Government (1696) in Charter to William Penn, p. 258 sec. 3; 1700, II St. at L. 34 sec. 3; 1710-11, II St. at L. 369 sec. 3; 1724-25, IV St. at L. 10 sec. 13; 1759-60, VI St. at L. 3 sec. 12.

2. 1841 P.L. 400 sec. 1.

3. 1799, 3 Sm.L. 375 sec. 13 sup. 1825 P.L. 247 sec. 2 sup. 1834 P.L. 537 sec. 27.

4. Const., art. XIV, sec. 3.

5. 1841 P.L. 400 sec. 1 sup. Const., art. XIV, sec. 2 as am. 1909; 1841 P.L. 400 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. as am. in sec. 141.

6. 1841 P.L. 400 sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 142.

7. 1799, 3 Sm.L. 393 sec. 13 sup. 1834 P.L. 537 sec. 28 rep. 1841 P.L. 400 sec. 9 but reen. as am. in sec. 3 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 142.

8. 1871 P.L. 79 sec. 2 rep. 1929 P.L. 1278 sec. 1051 but reen. as am. in sec. 122.

9. 1841 P.L. 400 sec. 6 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 144.

who has not filed a bond with that officer.¹⁰ The court of common pleas may dismiss the treasurer if he willfully refuses to settle his accounts with the State. In that case only, vacancies are filled by the commissioners until the next general election.¹¹ All other types of vacancies are filled by the Governor. The appointee holds office until a new treasurer is selected in the first municipal election which takes place 2 or more months after the vacancy occurred.¹²

Before he may assume office the county treasurer must take an oath which is filed with the prothonotary.¹³ He is also required to give bond, in the amount determined by the county commissioners, as security for the faithful performance of his duties to the county.¹⁴ A second bond, with the amount determined by the court of common pleas, is security for the performance of his duties toward the State. This bond is sent to the Auditor General and is recorded in the office of the recorder of deeds.¹⁵ The compensation of the treasurer consists of fees and commissions, the amounts of which are fixed by the county commissioners and auditors.¹⁶

Functions and Records

The treasurer receives all moneys paid to the county and pays out all money disbursed by the county. He is permitted to pay out the county funds only on warrants drawn by a majority of the commissioners.¹⁷ The law of 1937 provides that he be treasurer of the county institution district as well, and that he receive an additional compensation for his services in that capacity.¹⁸ All fees of salaried officers are paid over to the treasurer.¹⁹ The treasurer may not be interested either directly or indirectly, in any contract in which the county is a party or of which the work is done under the authority of the county commissioners. Upon conviction the treasurer is fined and removed from office.²⁰

10. 1834 P.L. 537 sec. 36 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 146.

11. 1859 P.L. 607 secs. 1, 2.

12. 1929 P.L. 1278 sec. 60 am. 1931 P.L. 401 sec. 1.

13. 1795, XV St. at L. 322 sec. 11; 1929 P.L. 1278 sec. 53.

14. 1799, 3 Sm.L. 393 sec. 13 sup. 1834 P.L. 537 sec. 33 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 143 am. 1933 P.L. 950 No. 185.

15. 1828 P.L. 491 sec. 1 sup. 1834 P.L. 537 sec. 34 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 145.

16. 1834 P.L. 537 sec. 41 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 150.

17. 1799, 3 Sm.L. 393 sec. 13 sup. 1834 P.L. 537 sec. 37 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 362.

18. 1937 P.L. 2017 secs. 302, 303.

19. 1929 P.L. 1278 sec. 302.

20. 1806, XVIII St. at L. 222 ch. 2693 sup. 1834 P.L. 537 sec. 43 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 64; 1841 P.L. 400 sec. 6 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 64.

It is also a misdemeanor, with similar resultant penalties, for him to use the county funds for any purpose other than that for which they were designated.²¹

An important duty of the treasurer is to receive all State and county taxes from the local tax collectors.²² When the collectors settle their accounts with him they must state under oath that they have made true and just accounts of the money which they collected. These oaths are administered by the treasurer and filed with the commissioners.²³ Whenever any borough cannot procure the services of a local resident to act as tax collector, the borough council may appoint the county treasurer as tax collector. The treasurer in turn is authorized to name a deputy to perform these duties.²⁴ A similar procedure may be followed in case of vacancies in the office of township tax collector.²⁵

The treasurer is the agent of the State for the collection of various license fees and taxes.²⁶ These include mercantile license taxes²⁷ and the similar taxes on auctioneers, brokers, agents, and factors,²⁸ as well as license fees for operators of numerous types of amusements,²⁹ hawkers and peddlers,³⁰ dog owners,³¹ kennel keepers,³² fishermen,³³ and hunters.³⁴ From the gross amount of money received for the Commonwealth, the treasurer is entitled to deduct a commission, the amount of which is set by law.³⁵

21. 1929 P.L. 1278 sec. 148.

22. 1891 P.L. 212 No. 185 sec. 1.

23. 1846 P.L. 486 sec. 19.

24. 1927 P.L. 519 sec. 901 am. 1933 P.L. 817 No. 135 sec. 1 further am. 1935 P.L. 1208.

25. 1933 P.L. 103 sec. 423 am. 1935 P.L. 1205.

26. 1929 P.L. 343 secs. 607, 610.

27. 1846 P.L. 486 sec. 11; 1899 P.L. 145 sec. 5 am. 1929 P.L. 681 sec. 2; 1907 P.L. 117 No. 93.

28. 1907 P.L. 175 sec. 4 am. 1929 P.L. 687 sec. 2.

29. 1895 P.L. 249 sec. 1 rep. 1913 P.L. 229 sec. 24 but reen. as am. in sec. 6; 1907 P.L. 244 sec. 3.

30. 1834 P.L. 537 sec. 38; 1901 P.L. 563 sec. 1.

31. 1925 P.L. 522 sec. 3 am. 1925 P.L. 641 further am. 1927 P.L. 833 sec. 2 further am. 1929 P.L. 456.

32. 1921 P.L. 522 sec. 11 am. 1925 P.L. 115 sec. 1 further am. 1927 P.L. 833 sec. 6 further am. 1929 P.L. 456 sec. 3.

33. 1917 P.L. 11; 1925 P.L. 448 sec. 220 am. 1927 P.L. 773 further am. 1929 P.L. 451 further am. 1933 P.L. 1419 sec. 2 further am. 1935 P.L. 1145 further am. 1937 P.L. 2643 sec. 1 further am. 1939 P.L. 834 sec. 4; 1925 P.L. 448 sec. 221 am. 1929 P.L. 451 sec. 2 further am. 1935 P.L. 1145 further am. 1937 P.L. 2643 sec. 1 further am. 1939 P.L. 834 sec. 4; 1925 P.L. 448 sec. 225 am. 1927 P.L. 773 sec. 2 further am. 1929 P.L. 451 sec. 6 further am. 1939 P.L. 831; 1925 P.L. 639 sec. 8.

34. 1923 P.L. 339 sec. 304 am. 1927 P.L. 815 sec. 1 rep. 1937 P.L. 1225 sec. 1501 but reen. in sec. 301.

35. 1834 P.L. 537 sec. 42 am. 1925 P.L. 656 further am. 1927 P.L. 473; 1850 P.L. 471 sec. 7.

With the consent of the Department of Revenue, the treasurer may hire extra employees for work relating to the issuance of licenses.³⁶

Before July 1 of every year the mercantile appraiser certifies to the treasurer a correct list of all persons assessed with the mercantile tax. This list contains the name, address, classification, and amount of tax assessed for each merchant.³⁷ Any merchant aggrieved by the amount which he is assessed may appeal to the county treasurer and the mercantile appraiser sitting together. Further appeals are made to the court of common pleas.³⁸ If a merchant fails to file a return, he must appear before the treasurer with his books and accounts. Thereupon the treasurer evaluates the amount of business done. In connection with these duties the treasurer may issue subpoenas and attachments.³⁹ In addition he sues for the collection of all mercantile license fees not paid on or before September 1. If he is satisfied that there is a good and sufficient reason why payment cannot be made, he reports the fact to the Auditor General, who may then make exonerations.⁴⁰ Similar powers are vested in the treasurer in connection with the license fees paid by brokers, agents, and other vendors of intangibles.⁴¹ When all appeals have been heard and exonerations granted, the treasurer certifies the corrected lists and sends them to the Department of Revenue.⁴²

An additional license granted by the treasurer is that given to gypsies who wish to camp with the county.⁴³ He also issues dance hall licenses in the townships,⁴⁴ and a special license to catch wild pigeons.⁴⁵ He collects inheritance taxes received prior to the filing of the register of wills' bond with the State.⁴⁶

36. 1921 P.L. 522 sec. 3 am. 1925 P.L. 641 further am. 1927 P.L. 833 sec. 2 further am. 1929 P.L. 456 sec. 1; 1929 P.L. 343 sec. 610(d).

37. 1899 P.L. 184 sec. 9 am. 1923 P.L. 986 sec. 2 further am. 1925 P.L. 700 sec. 2 further am. 1929 P.L. 681 sec. 5.

38. 1899 P.L. 184 sec. 6 am. 1929 P.L. 681 sec. 3.

39. 1899 P.L. 184 sec. 5 am. 1929 P.L. 681 sec. 2.

40. 1899 P.L. 184 sec. 7 am. 1901 P.L. 565 sec. 1 further am. 1919 P.L. 1072 sec. 1 further am. 1923 P.L. 986 sec. 1.

41. 1907 P.L. 175 secs. 5, 6 am. 1929 P.L. 687 secs. 3, 4.

42. 1899 P.L. 184 sec. 9 am. 1923 P.L. 986 sec. 2 further am. 1925 P.L. 700 sec. 2 further am. 1929 P.L. 681 sec. 5.

43. 1909 P.L. 445.

44. 1927 P.L. 988 sec. 2.

45. 1881 P.L. 95.

46. 1929 P.L. 343 sec. 608.

During various periods of Pennsylvania's history, the county treasurer had powers concerned with the issuing of liquor and tavern licenses. Until 1887 he issued such licenses to persons recommended by the court of quarter sessions.⁴⁷ From 1933 until 1937 the treasurer granted "retail dispensor" malt beverage licenses.⁴⁸ Persons to whom he refused such licenses appealed to the court of quarter sessions. At the hearing the treasurer had to give testimony. No further appeal was possible.⁴⁹ Now, however, these powers are vested in the Pennsylvania Liquor Control Board.⁵⁰

An important duty of the treasurer is the selling of land on which the taxes have not been paid. Originally only unseated lands were sold for taxes, and the sheriff was in charge of such sales.⁵¹ In 1809 this responsibility was transferred to the county treasurer,⁵² who was authorized to execute the deeds for all such property sold.⁵³ Since 1844 he has been permitted to sell seated as well as unseated land for delinquency of taxes.⁵⁴ During the depression all such sales were generally postponed,⁵⁵ but at present they are again taking place. No tax sale may be held prior to the second year after that in which the unpaid taxes were levied or after 5 years from the date on which the taxes were first entered on the Tax Return Docket.⁵⁶ For 3 successive weeks prior to the sale the treasurer advertises it in two newspapers of the county, and gives written notice to the person in possession of the property. To secure the property the purchaser must offer enough to pay the delinquent taxes, the treasurer's fee, and the cost of advertising.⁵⁷

Within 2 years after a treasurer's sale, the original owner may redeem the property by repaying the amount given

47. 1794, XV St. at L. 149 secs. 1, 2; 1811, 5 Sm.L. 228 sec. 20 sup. 1887 P.L. 108 sec. 2 which provided that the court alone issue these licenses; 1815, 6 Sm.L. 256 sec. 1 sup. 1834 P.L. 117 rep. 1933 P.L. 1853 sec. 601.

48. 1933 P.L. 252 sec. 3 am. 1933-34 (Sp. Sess.) P.L. 75 No. 14 further am. 1935 P.L. 1217 further am. 1937 P.L. 1827.

49. 1933 P.L. 252 sec. 7 am. 1935 P.L. 1217 further am. 1937 P.L. 1827.

50. 1937 P.L. 1827 so amends 1933 P.L. 252 that the treasurer's duties in this respect are all taken away.

51. 1799, 3 Sm.L. 393 sec. 25 rep. 1804 P.L. 517, 4 Sm.L. 201 sec. 7 but reen. in sec. 2.

52. 1809 P.L. 192, 5 Sm.L. 73 sec. 1; 1815, 6 Sm.L. 299.

53. 1815, 6 Sm.L. 299 sec. 2 am. 1933 P.L. 34 No. 29.

54. 1844 P.L. 486 sec. 41; 1897 P.L. 11.

55. 1931 P.L. 280 sec. 8 am. 1932 (Sp. Sess.) P.L. 50 further am. 1933 P.L. 39 further am. 1939 P.L. 498 sec. 7; 1935 P.L. 3.

56. 1931 P.L. 280 sec. 8 am. 1939 P.L. 498 sec. 7.

57. 1847 P.L. 278 sec. 2 am. 1925 P.L. 82; 1829 P.L. 1684 sec. 3 rep. 1933 P.L. 280 sec. 22 but reen. in sec. 7 am. 1939 P.L. 498 sec. 3.

by the purchaser in addition to 15 percent of the taxes which were due.⁵⁸ At the first term of court after a treasurer's sale, the treasurer must make a report and a return to the court of common pleas. In this report is a brief description of the property, the name of the person in whose name it was assessed, the time of advertising the sale, the name of the purchaser, and the amount paid. Thereupon the court confirms the sale nisi. The treasurer publishes a notice in a newspaper that the sale was made and that exceptions to it may be filed within 60 days. If there are exceptions the court of common pleas decides whether they are to be sustained.⁵⁹ After the purchase the treasurer gives a deed to the buyer.⁶⁰ The treasurer may sell again all seated⁶¹ and unseated⁶² lands taken over by the commissioners and unredeemed.

In Adams County the treasurer is a member of the sinking fund commission. The other officers who belong to this commission are the county commissioners and the auditors.⁶³

A number of reports must be made by the treasurer to other officials. Four times a year he reports to the county commissioners on the financial status of the county, with a statement of all money received or disbursed since the last report. At that time the treasurer exhibits the balance remaining and the amount of taxes due from each tax collector. Annually he states his accounts and produces his vouchers which, after examination by the commissioners, are laid before the auditors for settlement.⁶⁴ He makes a monthly statement to every municipality and school district of the county. This gives a detailed report of all delinquent taxes, penalties, fines, and costs collected by him. Along with this report he remits the money due to the borough, township, or school district.⁶⁵

Every year on or before March 15 the treasurer makes a report to the Department of Revenue showing the amount of outstanding indebtedness of the county as of January 1 of that year. This report also shows the interest rates and the dates on which dividends are due. Whenever the county makes a payment of interest, the treasurer must report this

58. 1815, 6 Sm.L. 299 sec. 4 am. 1935 P.L. 663; 1929 P.L. 1684 sec. 12 rep. 1931 P.L. 280 sec. 22 but reen. in sec. 9 am. 1935 P.L. 661 further am. 1935 P.L. 1321 further am. 1939 P.L. 498 sec. 3.

59. 1931 P.L. 280 sec. 12 am. 1939 P.L. 498 sec. 7.

60. 1931 P.L. 280 sec. 14; 1933 P.L. 924 No. 174.

61. 1885 P.L. 268 sec. 4.

62. 1815 P.L. 177, 6 Sm.L. 299 sec. 5.

63. 1911 P.L. 895 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 395.

64. 1799, 3 Sm.L. 393 sec. 14 sup. 1834 P.L. 537 sec. 37 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 362.

65. 1933 P.L. 1022.

fact immediately. These reports to the Department of Revenue must give any other information required by the Department.⁶⁶ On the first Monday of every month the treasurer must render to the Department a return of all moneys received during the preceding month for the use of the Commonwealth. It clearly shows under the proper headings the source from which all money was obtained. This report is made under oath, and at the same time the money is paid over to the Department of Revenue less any compensation or reimbursement which is legally permitted for expenses.⁶⁷ The treasurer sends an annual report to the Auditor General of money received by him for the use of the county.⁶⁸ He transmits to the Auditor General a copy of the mercantile appraiser's lists.⁶⁹

Once a month the treasurer sends to the Department of Revenue a list of all resident and nonresident fishing licenses granted by him, with the names and addresses of the licensees entered on blanks furnished by the State.⁷⁰ Similar reports are sent in concerning hunting licenses.⁷¹ When a person licensed to hunt or fish wishes to use firearms just for that purpose, he registers this fact with the treasurer, who sends a copy of the registration to the Secretary of the Commonwealth.⁷² A report of all dog licenses is sent to the Department of Revenue.⁷³

The treasurer must inform the Secretary of Forests and Waters and the Secretary of Agriculture of all proposed sales of unseated lands for taxes. This is to give them an opportunity to buy such lands for their departments if they are interested.⁷⁴

The treasurer is obliged to keep a true account of all moneys which he receives or disburses.⁷⁵ Records of taxation form an important part of the financial papers in the treasurer's office. He is supposed to keep a Tax Collector's

66. 1929 P.L. 343 sec. 709.

67. 1834 P.L. 537 sec. 39; 1929 P.L. 343 sec. 901 am. 1931 P.L. 318 sec. 1; 1929 P.L. 343 sec. 1710.

68. 1830 P.L. 147 sec. 3 rep. as far as inconsistent with the provisions of 1929 P.L. 343 in sec. 1805 of that act.

69. 1846 P.L. 486 sec. 12; 1899 P.L. 184 sec. 8 am. 1909 P.L. 297 sec. 1 further am. 1929 P.L. 687 sec. 6 deals with intangibles; 1907 P.L. 244 sec. 4 applies to billiards; 1913 P.L. 229 sec. 13 am. 1929 P.L. 691 sec. 6 applies to amusements.

70. 1925 P.L. 448 sec. 224 am. 1929 P.L. 451 sec. 5 further am. 1935 P.L. 150 sec. 1 further am. 1937 P.L. 2643 sec. 4.

71. 1923 P.L. 359 sec. 308 am. 1929 P.L. 444 sec. 6 further am. 1935 P.L. 151 rep. 1937 P.L. 1225 sec. 1501 but reen. in sec. 310.

72. 1931 P.L. 497 sec. 6 am. 1935 P.L. 350.

73. 1921 P.L. 522 sec. 15 am. 1929 P.L. 456 sec. 5. Until 1929 this was sent to the Department of Agriculture.

74. 1897 P.L. 11 sec. 1.

75. 1799, 3 Sm.L. 393 sec. 14 sup. 1834 P.L. 537 sec. 37 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 362.

Address Book which gives the name and address and various additional facts concerning every tax collector of the county.⁷⁶ In Adams County, however, these data are not entered in a separate book, but are found in the Tax Register, a more inclusive record. These volumes, kept since 1822, form a record of the treasurer's accounts with all the tax collectors. In addition he has kept duplicate receipts for county taxes paid since 1927, and a record of tax collectors' reports of delinquent taxes from 1875 until 1895.⁷⁷ Records of tax sales, found in most counties, are absent from the records of the treasurer of Adams County because of the fact that this procedure is not followed in this county.

His general accounts are in the form of a daily record of receipts and expenditures and have been preserved for most of the years since 1805. Since 1872 he has kept a separate financial record of his account with the county, entitled Settlement Book. He is required to keep a special account book of all money received for the use of the Commonwealth from licenses issued by him.⁷⁸ Since 1928 he has kept a daily record of such money.

Many of the treasurer's records relate to the various types of licenses issued from his office. These include recent bills as prepared by the mercantile appraiser, duplicates of receipts issued since 1930 for the payment of the mercantile license tax, and the mercantile appraiser's lists for the years 1882 and 1913.⁷⁹ The records relating to beer and liquor licenses issued by the treasurer consist of duplicates of receipts issued for payments of liquor license fees in 1915 and 1916, a record of the cash received for those fees during various years prior to 1902, and application for beverage licenses, with the bonds of the applicants for the period from 1933 until 1937.⁸⁰ He is required to keep on file duplicates of hunting⁸¹ and fishing⁸² licenses issued by him. In Adams County both of these records are for the years 1930 to 1933 and since 1938. He has also kept duplicates of his monthly reports to the Department of

76. 1915 P.L. 11; 1927 P.L. 519 sec. 1303.

77. 1897 P.L. 242 rep. as to bore. taxes 1927 P.L. 519 sec. 330 but reen. in sec. 1080.

78. 1834 P.L. 537 sec. 38.

79. 1899 P.L. 184 sec. 9 am. 1923 P.L. 986 sec. 2 further am. 1925 P.L. 700 sec. 2 further am. 1929 P.L. 681 sec. 5.

80. 1933 P.L. 252 sec. 10 am. 1933-34 (Sp. Sess.) P.L. 75 No. 14 further am. 1935 P.L. 1217 rep. 1937 P.L. 1827.

81. 1923 P.L. 359 sec. 308 am. 1929 P.L. 444 sec. 6 further am. 1935 P.L. 151 rep. 1937 P.L. 1225 sec. 1501(IV) but reen. in sec. 310.

82. 1925 P.L. 448 sec. 223 am. 1929 P.L. 451 sec. 4 further am. 1939 P.L. 831.

Revenue of hunting and fishing licenses granted by him. Although not required to do so, he has also kept duplicates of the special firearms permits which he issues in connection with hunting and fishing licenses. He is also obliged to keep duplicates of dog⁸³ and kennel⁸⁴ license's issued by him.

Unless otherwise indicated records of the treasurer are found in the office vault.

Taxation
(See also entries, 2-13)

302. TAX REGISTER, 1822--. 14 vols. Title varies: Ledger, 1822-58, 4 vols.; Tax Book, 1859-71, 2 vols.

Record of treasurer's accounts with tax collectors, showing tax year, names of collectors and civil division, amounts and type of taxes and rebates, totals, and balances. Arr. alph. by name of civil division and chron. thereunder by date of entry. No index. Hdw. on ptd. fm. Aver. 300 pp. 18 x 12 $\frac{1}{2}$ x 4. 2 vols., 1859-71, bsmt. vlt. B; 12 vols, 1822-58, 1872--, off. vlt.

303. (RECEIPTS OF TAXES), 1927--. 19 vols. Duplicate receipts for payment of county taxes, showing date, receipt no., name and address of taxable, type and amount of tax, and signature of treasurer. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Aver. 300 pp. 10 x 12 x 1.

304. COLLECTORS REPORTS TO TREASURER, 1875-95. 1 vol. Record of tax collectors' reports of delinquent taxes, showing date, name and address of taxable, name of collector, amount and type of tax, date and amount of payment, and balance due. Arr. chron. by date of entry. No index. Hdw. 14 x 8 $\frac{1}{2}$ x 1. Bsmt. vlt. B.

83. 1921 P.L. 522 sec. 14 am. 1927 P.L. 833 sec. 8 further am. 1929 P.L. 456 sec. 4; 1921 P.L. 522 sec. 15 am. 1929 P.L. 456 sec. 5.
84. 1921 P.L. 522 sec. 14 am. 1927 P.L. 833 sec. 8 further am. 1929 P.L. 456 sec. 4.

Accounts

305. TREASURERS CASH BOOK, 1805-61, 1888-91, 1901-2, 1909--. 12 vols. Title varies: Untitled, 1805-31, 1901-2, 2 vols.; Ledger, 1832-57, 1909-10, 4 vols.; Day Book, 1858-61, 1 vol.; Cash Book, 1889-91, 1911-19, 2 vols.

Daily record of receipts and expenditures, showing date of receipt, source and amount, name of payee, and purpose of expenditure. Arr. chron. by date of entry. No index. Hdw. Aver. 300 pp. 14 x 12 x 2.

306. SETTLEMENT BOOK, 1872--. 6 vols. (3 vols. un-labeled; 3 vols. dated).

Treasurer's account with county, showing name of account, date, order no., name of payee, amount and purpose of expenditure, totals, balance, date of audit, and certification of county auditors. Arr. chron. by date of entry. No index. Hdw. Aver. 500 pp. 18 x 12 x 2. 2 vols., 1872-1933, bsm. vlt. B; 3 vols., 1883-1939, off. vlt; 1 vol., 1940--, off.

307. STATE BOOK, 1846-51, 1864-71, 1886--. 8 vols. Title varies; Treasurer's Account Book, 1910-14, 1 vol.

Treasurer's account with Commonwealth, for funds received for issuance of State licenses, showing date, name and address of licensee, type and amount of license, total amount received, treasurer's commission, amount, and date paid to State Treasurer. Arr. chron. by date of entry. No index. Hdw. Aver. 210 pp. 16 $\frac{1}{2}$ x 11 x 2. 6 vols., 1846-51, 1886-93, 1897--, off. vlt.; 2 vols., 1864-71, 1894-96, bsm. vlt. B.

308. RECORD OF STATE FUNDS, 1928--. 2 vols.

Daily record of cash received for issuance of State licenses, showing date, no., type and amount of license fee, name and address of licensee, and amount of fees retained by treasurer. Arr. chron. by date of entry. No index. Hdw. on ptd. fm. Aver. 200 pp. 17 x 14 3/4 x 1 3/4.

Licenses and Registration
(See also entries 164-172, 215-218)

309. (MERCANTILE TAX BILL), 1938--. 1 f.d.

Appraisers' bills of merchants subject to a license tax, showing date; bill no.; name and address of licensee; location, type, and volume of business; tax rate; total amount of license fee; date due; and signature of appraiser. No obvious arr. No index. Hdw. on ptd. fm. 8 x 10 x 16. Off.

310. (MERCANTILE LICENSE DUPLICATES), 1899, 1930--. 6 cardboard boxes, 78 vols.

Duplicate receipts issued for payment of mercantile license tax, showing date, receipt no., name and address of licensee, type and volume of business, tax rate, fees, total tax paid, and signature of treasurer. Arr. num. by receipt no. No index. Hdw. on ptd. fm. Vols. aver. 100 pp. 9 x 8 x $\frac{1}{2}$;

cardboard boxes 9 x 7 3/4 x 1 $\frac{1}{2}$. 6 cardboard boxes, 18 vols., 1899, 1930-33, bsmt. vlt. B, 60 vols., 1934--, Off. vlt.

311. MERCANTILE LIST, 1882, 1913. 2 vols. Untitled, 1882, 1 vol.

Appraisers' record of mercantile establishments of the county, showing compilation date, name, address, and volume and type of business. Arr. alph. by first letter of surname of licensee. Hdw. Aver. 200 pp. 8 $\frac{1}{2}$ x 5 x $\frac{1}{2}$. 1 vol., 1882, bsmt. vlt. B; 1 vol., 1913, off. vlt.

312. (LIQUOR LICENSE RECEIPTS), 1915-16. 1 vol. Discontinued as county record; subsequent records kept by State Liquor Control Board.

Duplicates of receipts issued in payment of liquor license, showing receipt date, license no., name and address of licensee, type of license, amount of fee, and signatures of licensee and treasurer. Arr. chron. by date of payment. No index. Hdw. on ptd. fm. 280 pp. 12 x 8 x $\frac{1}{2}$. Bsmt. vlt. B.

313. LICENSE (Liquor), 1805-35, 1888-90, 1900-1902. 4 vols. Discontinued.

Record of cash received for issuance of liquor licenses, showing date, name and address of proprietor, business location, type and amount of license, and treasurer's fee. Arr. chron. by date of entry. No index. Aver. 50 pp. 12 3/4 x 8 x 1.

314. APPLICATIONS FOR BEER LICENSE, 1933-37. 5 f.b. (dated). Discontinued as county record; subsequent records kept by State Liquor Control Board.

Applications for beverage licenses with bonds for same. Applications show date, name and address of applicant, location and description of premises, name of owner, and certification of twelve qualified electors; bonds show names of principal and surety, date and amount, conditions and obligation, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. on ptd. fm. 15 x 9 x 2.

315. (HUNTING LICENSE DUPLICATES), 1930-33, 1938--. 72 vols.

Duplicates of hunting licenses issued, showing license no.; date issued; name, address, age, occupation, and physical description of licensee; and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 33 pp. 8 x 8 x 1. 52 vols., 1930-33, bsmt. vlt. B; 20 vols., 1938--, off.

316. (FISHING LICENSE DUPLICATES), 1930-33, 1938--. 10 vols.

Duplicates of fishing licenses issued, showing license no.; date issued; name, address, age, and occupation of licensee; and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 30 pp. 8 x 6 x $\frac{1}{2}$. 3 vols., 1930-33, bsmt. vlt. B; 7 vols., 1938--, off.

317. (COUNTY TREASURERS MONTHLY REPORTS OF LICENSES), 1935--. 3 file boards. Prior records destroyed. Duplicates of treasurer's monthly report to State Department of Revenue of resident and nonresident hunting and fishing licenses issued, showing date of report, name and address of licensee, type and dates licenses issued, total amount of fees collected, and signature of treasurer. Arr. chron. by date of report. No index. Typed on ptd. fm. 15 x 9 x 1.

318. RECORD OF FIREARMS LICENSES, 1937--. 1 f.d. Duplicate of provisional permits to carry firearms issued in connection with hunting and fishing licenses, showing dates; name, address, and physical description of licensee; hunting or fishing license no.; make, calibre, and serial no. of weapon; and signatures of licensee and treasurer. Arr. alph. by first letter of surname of licensee. No index. Hdw. on ptd. fm. 4 x 5 x 12. Off.

For gun permits issued by sheriff, see entry 289.

319. (DOG LICENSE DUPLICATES), 1930-33, 1938--. 41 vols. Duplicates of licenses issued to dog owners, showing license no.; date issued; names of civil division and dog owner; sex, age, color, breed, and markings of dog; amount of fee; and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. Aver. 290 pp. 13 x 10 3/4 x 3/4. 31 vols. 1930-33. bsmt. vlt. B; 10 vols., 1938--, off.

320. (KENNEL LICENSE DUPLICATES), 1931--. 4 vols. Duplicates of licenses issued to owners of dog kennels, showing license no., date issued, name of civil division, name and address of owner, location of kennel, number of dogs boarded, amount of fee, and signature of treasurer. Arr. num. by license no. No index. Hdw. on ptd. fm. 100 pp. 14 x 11 x 1. 1 vol., 1931, bsmt. vlt. B; 3 vols., 1932--, off.

XVII. MERCANTILE APPRAISER

In 1841 a State tax, based on the gross receipts derived from merchants' sales and formerly levied on vendors of foreign merchandise only,¹ was extended to all mercantile establishments.² Four years later the commissioners of Philadelphia and Allegheny Counties were authorized to appoint annually a mercantile appraiser to facilitate the assessment of this tax.³ A law of 1846 provided for the establishment of this office in every county.⁴ Mercantile appraisal was placed partially under State supervision in 1899 when the Auditor General was authorized to prescribe the forms to be used by the appraisers.⁵ State control was completed in 1919 when the Auditor General, rather than the county commissioners, was given the authority to designate the mercantile appraiser.⁶

The mercantile appraiser is appointed on or before December 30 of each year.⁷ He may be reappointed. Before assuming office he takes an oath.⁸ His compensation consists of definite commissions for every mercantile license issued.⁹ The State gives him mileage after he files an affidavit with the Department of Revenue that he has actually traveled the number of miles charged.¹⁰

This officer prepares a list of all establishments within the county which are subject to the mercantile license tax.¹¹ He thereupon visits each person or firm on the list and demands a sworn return on blanks, supplied by the Department of Revenue, of the whole volume of business transacted during the preceding year.¹² If dissatisfied with the

1. 1820, 7 Sm.L. 471 sup. 1824 P.L. 32 secs. 8, 9 rep. 1830 P.L. 287 sec. 11 but reen. in sec. 1.

2. 1841 P.L. 307 sec. 10. For a list of the mercantile establishments subject to this tax, see Pennsylvania Tax Commission, Report to the General Assembly for the Commonwealth of Pennsylvania, p. 17.

3. 1845 P.L. 533.

4. 1846 P.L. 486 sec. 12; 1887 P.L. 60 sec. 3 sup. 1899 P.L. 184 sec. 3; 1929 P.L. 343 sec. 609.

5. 1899 P.L. 184 sec. 4 am. 1929 P.L. 681 sec. 1.

6. 1899 P.L. 184 sec. 3 am. 1919 P.L. 963 sec. 1; 1929 P.L. 343 sec. 406.

7. 1899 P.L. 184 sec. 3 am. 1919 P.L. 963 sec. 1; 1929 P.L. 343 sec. 406.

8. 1845 P.L. 532 sec. 5; 1879 P.L. 99.

9. 1849 P.L. 570 sec. 23; 1865 P.L. 4 sec. 1; 1873 P.L. 566 sec. 2; 1907 P.L. 117 sec. 1; 1907 P.L. 244 sec. 3.

10. 1850 P.L. 471 sec. 8; 1862 P.L. 492 sec. 3; 1929 P.L. 343 sec. 609(c).

11. 1845 P.L. 532 sec. 6.

12. 1899 P.L. 184 sec. 4 am. 1929 P.L. 681 sec. 1.

return submitted by a merchant, the appraiser assesses the business himself.¹³ Whenever a merchant refuses to make out a return the mercantile appraiser reports that fact to the county treasurer, who may require the merchant to appear before him.¹⁴ Appeals from the appraiser's figures are made to the mercantile appraiser and the county treasurer together, and further appeals go to the court of common pleas.¹⁵ When the returns have been made, the mercantile appraiser prepares the final appraisement list for the advertisement in newspapers designated by the Department of Revenue. On or before July 1 of each year he sends a list to the Auditor General for audit, and he certifies to the county treasurer a list of the merchants who are subject to the license tax.¹⁶ Similar power goes to the mercantile appraiser in connection with the assessment of the business of brokers, agents, factors, and other dealers in intangibles,¹⁷ and of the proprietors of various amusements.¹⁸

The actual collecting of the mercantile license tax and all fees, including his own and the appraiser's commission, is the duty of the county treasurer, who pays over the appraiser's fees to him.¹⁹ The treasurer sues for any tax not returned to him by September 1, unless the Auditor General is satisfied that it cannot be collected.²⁰

There are no statutory requirements for the keeping of records by the mercantile appraiser, and none are kept by him in Adams County.

13. 1899 P.L. 184 sec. 6 am. 1929 P.L. 681 sec. 3.
14. 1899 P.L. 184 sec. 5 am. 1929 P.L. 681 sec. 2.
15. 1899 P.L. 184 sec. 6 am. 1929 P.L. 681 sec. 3.
16. 1899 P.L. 184 sec. 9 am. 1923 P.L. 986 sec. 2 further am. 1925 P.L. 700 sec. 2 further am. 1929 P.L. 681 sec. 5.
17. 1907 P.L. 175 as am. 1929 P.L. 687 sec. 2.
18. 1913 P.L. 229 as am. 1929 P.L. 691.
19. 1899 P.L. 184 sec. 9 am. 1923 P.L. 986 further am. 1925 P.L. 700 further am. 1929 P.L. 681 sec. 5.
20. 1899 P.L. 184 sec. 7 am. 1919 P.L. 1072 further am. 1923 P.L. 986 sec. 1 further am. 1925 P.L. 700 sec. 1 further am. 1929 P.L. 681 sec. 4 further am. 1931 P.L. 555 but the amendment of 1931 is rep. by 1933 P.L. 418 No. 303.

XVIII. AUDITORS

Evolution and Structural Organization

The first provision for the selection of county auditors was made in 1791 when the court of common pleas was authorized to appoint "three reputable freeholders to audit, settle, and adjust the public accounts of the treasurer and commissioners."¹ After 1809 auditors were elected annually,² and in 1810 they began to examine the financial records of the sheriff and coroner as well as those of the county commissioners and the treasurer.³ In 1814 their term of office was increased to 3 years, with one auditor replaced every year.⁴ The Constitution of 1874 made the auditors county officers⁵ and provided for the triennial election of all three auditors, with each elector voting for two candidates only,⁶ thus insuring representation of the minority party. Since 1909 the auditors, like other county officers, have had a 4-year term of office.⁷

An auditor must be a citizen of the United States and a resident of the county for at least 1 year prior to his election.⁸ The auditor may not, at the same time, be a member of a school board or board of health, nor may he be employed by the sheriff, the county treasurer, or the county commissioners.⁹ A county treasurer may not be a county auditor during his term of office or for 2 years afterward.¹⁰ A county auditor may be re-elected any number of times. Vacancies are filled by the court of common pleas. The appointee, who holds office for the balance of the term, must have voted for the auditor whose place he is taking.¹¹ Any two auditors make up a quorum.¹² Before assuming office, a county auditor must take an oath.¹³ No bond, however, is required of him. These officers have always been paid on a

1. 1791, 3 Sm.L. 15 sec. 1.

2. 1809 P.L. 42, 5 Sm.L. 19 sec. 1.

3. 1810 P.L. 208, 5 Sm.L. 161.

4. 1814, 6 Sm.L. 103 sec. 1 and 1834 P.L. 537 sec. 44 both rep.

1929 P.L. 1278 sec. 1051.

5. Const., art. XIV, sec. 1.

6. Ibid., sec. 7.

7. Ibid., sec. 2 as am. 1909.

8. Const., art. XIV, sec. 3.

9. 1841 P.L. 400 sec. 10; 1911 P.L. 309 sec. 469.

10. 1871 P.L. 79 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 122.

11. 1929 P.L. 1278 sec. 121.

12. 1791, 3 Sm.L. 15 sec. 2; 1834 P.L. 537 sec. 48 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 123.

13. 1834 P.L. 537 sec. 46 sup. Const., art. VII, sec. 1 and rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 53. Until 1874 this oath was filed with the clerk of the court of quarter sessions.

per diem basis,¹⁴ which at present amounts to \$5 for each auditor.¹⁵

Functions and Records

The chief duty of the county auditors is to examine annually the accounts of all county officers¹⁶ and make a report to the court of common pleas concerning the results of these audits. In this report is included a statement of the balance due to or from each officer.¹⁷ The law requires that they also audit the accounts of the institution district¹⁸ and the probation officers,¹⁹ those of the county treasurer with the State Treasury, and those of each of the other county officers who receives money for the use of the Commonwealth.²⁰

The auditors may issue subpoenas to secure the attendance of any officer whose accounts are being adjusted and of any other persons whom it is necessary to examine as witnesses. These officers are also authorized to compel the production of any relevant papers. In such cases any of the auditors may administer oaths to persons testifying before them. Those who refuse to take the oath or to answer the questions may be committed to the county jail by the auditors. If a person in possession of necessary books or papers refuses to present them, the auditors use the evidence secured from witnesses in settling the accounts. The report of such an examination is filed with the court of common pleas, and when it shows that the officer is indebted to the county or to the State, the report itself acts as a judgment against his real estate. The defaulting officer must pay the costs of conducting the examination. Within a limited time, appeals from these reports may be taken to the court of common pleas by the county, the officer, or any taxpayer. Further action takes place before the Supreme Court or the Superior Court.²¹

A number of reports to other officers must be made by

14. 1791, 3 Sm.L. 15 sec. 8; 1809 P.L. 41, 5 Sm.L. 19 sec. 3 sup. 1834 P.L. 537 sec. 60 sup. 1872 P.L. 92 No. 83.

15. 1887 P.L. 95 am. 1917 P.L. 1115 No. 375.

16. 1791, 3 Sm.L. 15 sec. 1; 1809 P.L. 41, 5 Sm.L. 19 sec. 2; 1834 P.L. 537 secs. 47, 48 both rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 263 am. 1931 P.L. 401 sec. 1.

17. 1791, 3 Sm.L. 15 sec. 5; 1834 P.L. 537 sec. 48 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 263 am. 1931 P.L. 401 sec. 1; see entry 175.

18. 1925 P.L. 762 sec. 223 am. 1935 P.L. 1342 sec. 1; 1925 P.L. 762 sec. 1400 all rep. 1937 P.L. 2017 sec. 702 but reen. as am. in sec. 310.

19. 1929 P.L. 1278 sec. 372.1 added 1931 P.L. 401 sec. 12.

20. 1929 P.L. 1278 sec. 372.

21. 1791, 3 Sm.L. 15 secs. 2-5; 1834 P.L. 537 secs. 48-57 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 373-383; 1913 P.L. 559 No. 356.

the auditors. Their reports to the court on the receipts and expenditures of the county during the preceding year must be printed in newspapers published in the county. Moreover, an annual report on the financial condition of the county is made to the Department of Internal Affairs.²² Whenever the accounts of county officers with the State are adjusted, the auditors make a separate report to the court with a statement of the balance due to or from each officer. A certified copy of this report is transmitted to the Auditor General.²³ A copy of the audit of the accounts of the probation officers is sent to the court of quarter sessions.²⁴ Within 60 days after the close of each fiscal year, the auditors are obliged to send to the Department of Internal Affairs a report of the financial status of the institution district.²⁵

The auditors may appoint a "competent attorney-at-law" to act as their solicitor. They determine the compensation of this assistant, but it must be approved by the president judge of the court of common pleas.²⁶ The auditors, along with the commissioners and treasurer, belong to the county sinking fund commission.²⁷

The law does not require that any records be kept by the county auditors.

321. AUDITORS' MINUTE BOOK, 1913-18. 1 vol. Minutes of meetings of county auditors, showing date and place of meeting, names of auditors present, detached statement of business transacted, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. 125 pp. 13 x 7 3/4 x 1. Comms. off. vlt.

22. 1834 P.L. 537 sec. 22 am. 1903 P.L. 234 No. 170 further am. 1909 P.L. 473 further am. 1909 P.L. 534; 1907 P.L. 169 am. 1913 P.L. 13 No. 17 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 364 am. 1935 P.L. 1184 sec. 2.

23. 1834 P.L. 537 sec. 49 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 372.

24. 1929 P.L. 1278 sec. 372.1 added 1931 P.L. 401 sec. 12.

25. 1925 P.L. 762 sec. 223 am. 1935 P.L. 1342 sec. 1 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 311.

26. 1911 P.L. 209 rep. 1929 P.L. 1278 sec. 1051 but reen. as am. in sec. 124.

27. 1911 P.L. 1895 sec. 1 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 395.

XIX. SINKING FUND COMMISSION

A sinking fund commission, established for the more populous counties by earlier acts,¹ was provided for all counties by a law of 1911.² Its membership consists of the county commissioners, the auditors, and the county treasurer,³ none of whom receives any additional compensation for services on this commission.

The sinking fund commission has charge of all moneys applicable to any sinking fund and uses these funds chiefly for extinguishing the county debt. Whenever it is impossible to use such money immediately for this purpose, the commission invests it in the purchase of loans or bonds of the county or of any other bonds in which the savings banks of Pennsylvania are authorized to invest their deposits.⁴ Whenever necessary it may sell any bonds held by it except those of the county itself. Annually the commission uses all interest received from its deposits and from the bonds held for reduction of the amount needed for sinking fund purposes.⁵ The commission may use the county's allotment from the liquid fuels tax to pay sinking fund charges on all bonds issued or used for highway or bridge purposes.⁶

All county bonds held by the sinking fund commission must be stamped conspicuously to show that they have been purchased for this purpose, and they must never be reissued or sold. Interest is paid on them only when the money is needed to pay for bonds of the county as they mature. County bonds in possession of the sinking fund commission are canceled immediately on their maturity.⁷ In general, the commission is supposed to attempt to retire the bonds in chronological order.⁸ Whenever any new bonds are issued by the county, the sinking fund commission may invest the uninvested balance of the sinking fund in the purchase of such bonds. The commission must not, however, expend so much money for this that not enough remains to pay for any bonds which will mature during the fiscal year and which the commission wishes to cancel rather than to sell.⁹

All moneys received by the sinking fund commission must

1. 1909 P.L. 100 No. 59; 1911 P.L. 256.

2. 1911 P.L. 895 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 395-401.

3. 1929 P.L. 1278 sec. 395.

4. Ibid., sec. 396.

5. Ibid., sec. 397.

6. 1931 P.L. 149 sec. 10 am. 1935 P.L. 412 sec. 1 further am. 1939 P.L. 634.

7. 1929 P.L. 1278 sec. 398.

8. Ibid., sec. 399.

9. Ibid., sec. 400.

be deposited immediately in the banks or banking institutions which are designated as county depositories. Not less than 2 percent interest may be paid to the county on these deposits. This interest, like the other income from the commission's investments, may be reinvested by the sinking fund commission.¹⁰

There are no statutory requirements for the keeping of records by the sinking fund commission, which therefore keeps none in Adams County.

XX. REGISTRATION COMMISSION

Evolution and Structural Organization

When Adams County came into existence in 1800 the registration was not a very complex procedure. In order to be classed as an elector, a person had to possess certain property and residential qualifications. The elected inspectors of elections administered an oath to every prospective voter whose right to cast a ballot was questioned. Anyone who refused to take the oath was not permitted to vote. The county commissioners provided the election officials with a list of the "names and rates of all taxables" in each district, which was used for passing upon the qualifications of electors. Provision was made for marking the tax list to indicate that a person had voted.¹ After 1840 the regular assessors were required to prepare annually a register of voters and to check on each household to see that the persons whose names were on the tax list actually resided there and were entitled to vote. Applications from persons whose names were omitted from the register might be made in person to the assessor at various times.² Special registry assessors were elected to perform these duties after 1874 except in municipalities made up of only one election district.³

This method continued to be used in Adams County until 1937 when a system of permanent registration of voters, which had since 1935 been in operation in counties containing one or more third-class cities,⁴ was extended to all counties.⁵ The agency in charge of registration is the registration commission, which is made up of the county commissioners, who receive no additional compensation for their work in this capacity.⁶

Functions and Records

The permanent registration of electors is carried on un-

1. 1799, 3 Sm.L. 340 secs. 1, 9 rep. 1839 P.L. 519 sec. 174 but reen. as am. in secs. 6, 19-21, 63-66, 98 rep. 1937 P.L. 1333 sec. 1901; 1803 P.L. 669, 4 Sm.L. 100 sec. 5 rep. 1839 P.L. 519 sec. 174; 1874 P.L. 44 sec. 3 rep. 1937 P.L. 1333 sec. 1901; 1893 P.L. 419 sec. 21 rep. 1937 P.L. 1333 sec. 1901.

2. 1840 P.L. 683 sec. 3 rep. 1937 P.L. 1333 sec. 1901; 1874 P.L. 31 secs. 1, 2 am. 1891 P.L. 134 secs. 1, 2 further am. 1895 P.L. 75 sec. 1 further am. 1933-34 (Sp. Sess.) P.L. 236 secs. 1, 2 rep. 1937 P.L. 487 sec. 46(2, 4, 7, 14).

3. 1874 P.L. 31 sec. 1 am. 1891 P.L. 134 rep. 1937 P.L. 487 sec. 46(a) and 1937 P.L. 1333 sec. 1901; 1874 P.L. 31 secs. 15, 18 am. 1933-34 (Sp. Sess.) P.L. 236 secs. 5, 6 rep. 1937 P.L. 487 sec. 46(2, 14).

4. 1935 P.L. 478 No. 195 rep. 1937 P.L. 849 sec. 47(a) but reen. as am. in secs. 1-46.

5. 1937 P.L. 487.

6. Ibid., sec. 3(a, b).

der the supervision of the commission, which may appoint registrars to aid in the work. County employees may be required to act as registrars without additional remuneration.⁷ Registration takes place at the office of the commission at any time except during a designated period just before, during, and after the primaries and elections. In addition, either at its own discretion or upon petition of at least 100 qualified electors of a given borough or township, the commission arranges to send registrars to the municipality concerned. Polling places, schools, and municipal buildings may be used as offices for the registrars.⁸

In order to register, one must be at least 21 years of age, a citizen of the United States and a resident of the State for at least a year, and an inhabitant of the election district for 2 or more months preceding the election at which he wishes to vote.⁹ The person desiring to register subscribes to a registration affidavit, and his answers to questions are entered on a card which is filled out in duplicate. The original card is placed in the District Register and the duplicate in the General Register. The former Register consists of the cards from the election district and the latter of all the cards from the county. The cards are arranged alphabetically in each register and kept at the office of the commission. The General Register may be removed only upon order of the court and is kept locked, but the District Registers are open to the public and are removed to the respective polling places for each primary and election.¹⁰ After a person registers, he never needs to re-register unless he moves from the district or fails to vote during a 2-year period.¹¹ At the various registrations any elector may change his political affiliation.¹² Transfer of registration within the county or within the election district is effected merely by sending a removal notice to the commission before a designated date prior to the primary or election at which one wishes to vote.¹³ The commission hears appeals of rejected applicants for registration.¹⁴

The registration commission is required to make a check-up of registration at least once every 4 years, either by notices mailed to registrants, by required reports from postmen, or by visits of an inspector to each building from which an elector is registered. Inspectors, like registrars, are appointed by the commission. When an investigation by any of these methods seems to show that the registrant is not

7. 1937 P.L. 487 sec. 5(a, b-1, c, d).

8. Ibid., sec. 16.

9. 1937 P.L. 1333 sec. 701.

10. 1937 P.L. 487 sec. 18; 1937 P.L. 487 sec. 24 am. 1939 P.L. 278; 1937 P.L. 487 sec. 28.

11. 1937 P.L. 487 sec. 19.

12. Ibid., sec. 28 am. 1939 P.L. 281.

13. 1937 P.L. 487 secs. 26 and 27 am. 1939 P.L. 606.

14. 1937 P.L. 487 sec. 23.

located at the address from which he has registered, his registration is canceled unless he proves his right to it.¹⁵ Within 30 days before every primary and election the commission corrects the general and district registers from the information which has been received.¹⁶

The commission delivers the locked District Registers to the election officers on election day. Any person whose card is in the register and who signs the voter's certificate with a signature which appears the same as that on the voter's card in the register may vote unless the election officers are satisfied that he has moved from the district or given or received an election bribe. The voters' certificates are placed in a locked binder which is known as the Voting Check List. After the election the judge of the election takes the Voting Check List and the District Register to the registration commission. The commission examines the contents of both and reports any indication of fraud to the district attorney.¹⁷ It may subpoena witnesses, question any person concerning registration matters, and require the production of relevant books and papers. Any member of the commission may administer oaths to persons testifying before the commission.¹⁸

Before the board of elections meets to compute and canvass returns, the registration commission must certify to the board the total registration of each election district. After primaries the commission must provide the board with the enrollment by political parties. The board compares these figures with the number of ballots cast to determine whether fraud has been practiced.¹⁹

Within 3 weeks after every general and municipal election, the registration commission sends a notice to everyone who has not voted for 2 years. His registration is canceled unless he files with the commission a written request for reinstatement. Reinstatement after cancellation has occurred takes place when the applicant follows the procedure of his first registration.²⁰

The commission may make any rules and regulations dealing with registrations which are not inconsistent with the laws of the Commonwealth.²¹ It may appoint employees, including registrars, inspectors, and a chief clerk, and the members of the commission may themselves perform the functions of registrars and inspectors.²² All funds to maintain

15. 1937 P.L. 487 secs. 30, 31.
16. Ibid., sec. 32(a) am. 1939 P.L. 446.
17. 1937 P.L. 487 secs. 35-37.
18. Ibid., secs. 4(c, d), 43.
19. 1937 P.L. 1333 sec. 1404(b).
20. 1937 P.L. 487 sec. 38.
21. Ibid., sec. 4(a).
22. Ibid., secs. 5(e, f), 7(a), 9.

the registration commission and to carry out its duties are secured from appropriations made by the county commissioners, who also provide it with funds for suitable offices and supplies.²³ The commission must permit watchers and attorneys for each candidate to attend its sessions and be present at the registration of electors.²⁴ Appeals from the decisions of the commission are taken to the court of common pleas.²⁵

The registration commission keeps in permanent form a record of its proceedings.²⁶ In its office it keeps the General Register and the District Registers. The cards which make up these registers are numbered serially, and the commission must keep a record of all the numbers accounting for every card. Whenever an applicant is rejected after a portion of his card has been filled in, the card is marked "applicant rejected," and the reason for rejection is noted on it. These cards are not placed in the registers, but are kept separately by the commission for 2 years.²⁷ When a registrant loses his right to vote, his cards are taken from the registers and preserved separately for 5 years.²⁸ After every primary and election all the voters' certificates from each district are placed together in a binder. These are usually given the title Voting Check List, but in Adams County they are labeled Voters Certificate.

Once a week the local registrars of vital statistics send to the registration commission a report of all deaths within their respective districts of persons over 20 years of age.²⁹ These reports have been kept on file.

Before each primary and election the registration commission prepares accurate lists of all registered voters in each election district. These lists are arranged by street and house number. Copies of these street lists are distributed to inspectors of election, local election officers, candidates, political organizations, and interested groups of citizens. Two complete sets of all such lists, however, are kept on file at the office of the registration commission.³⁰

The only additional papers found in the office of the registration commission of Adams County are the old registry lists taken from the lists prepared by the assessors prior to 1937. Those still in existence date from 1920 through 1936.

All records and documents of the county registration

23. 1937 P.L. 487 sec. 7(b).

24. Ibid., secs. 13, 14.

25. Ibid., secs. 41, 42.

26. Ibid., sec. 3(d).

27. Ibid., secs. 17(d, e), 22.

28. Ibid., sec. 39(a) am. 1939 P.L. 292.

29. 1937 P.L. 487 sec. 29(a, b).

30. Ibid., sec. 32(b, c); 1937 P.L. 487 sec. 33 am. 1939 P.L. 446.

commission are open to the public.³¹ Any record not essential for maintaining the current status of any qualified voter may be destroyed by the commission after 3 years.³²

Unless otherwise indicated, records of the commission are located in the commissioners' office vault.

322. RECORD (Minute Book of Registration Commission), 1937--. 1 vol.

Minutes of meetings of registration commission, showing date, time, and place of meeting; names of members present; nature of business transacted; and signature of clerk. Arr. chron. by date of meeting. No index. Hdw. 250 pp. 10 x 8 x 1 $\frac{1}{4}$. Comms. off.

323. (PERMANENT REGISTRATION OFFICE RECORD), 1937--. 11 f.d. (labeled by contained letters of alphabet).

Reference record of permanently qualified registered voters, showing serial no.; name of election district; name, age, sex, occupation, date and place of birth, physical description, and party affiliation of voter; length of time in election district; date and place of last registration; assistance required with nature of disability; date registered; and signatures of voter and registrar. Arr. alph. by first letter of surname of voter. No index. Typed on ptd. fm. 2 x 12 x 24. Comms. off.

324. (PERMANENT REGISTRATION DISTRICT REGISTER), 1937--. 48 vols. (labeled by name of election dist.).

District record of qualified voters, showing serial no.; name of election district; name, address, age, sex, occupation, date and place of birth, party affiliation, and physical description of voter; length of time in election district; required assistance to vote with nature of disability; date and place of last registration; date registered; and signatures of voter and registrar. Arr. alph. by first letter of surname of voter. No index. Typed on ptd. fm. Aver. 200 pp. 18 x 19 x 6.

325. (CANCELED REGISTRATION CARDS), 1937--. 1 bdl. Permanent registration cards taken from active file, showing information as in entry 323, and in addition date and reason for cancellation. No obvious arr. No index. Hdw. on ptd. fm. 8 x 6 x 5.

31. 1937 P.L. 487 sec. 12.

32. Ibid., sec. 39 am. 1939 P.L. 292.

326. VOTERS CERTIFICATE (Voting Check List), 1937--. 174 bd1. (dated, and labeled by name of election dist.). Periodically destroyed.

Check list for comparison of signature of voter at polls, showing date and type of election; machine admission or ballot no.; name, address, and signature or mark of voter; and attestation of election officer. Arr. num. by machine admission or ballot no. No index. Hdw. on ptd. fm. $2\frac{1}{2} \times \frac{1}{4}$ x 8. Bsm. vlt. C.

327. (DECEASED VOTERS), 1839--. 1 f.d.

Reports from State Bureau of Vital Statistics relative to deaths of residents of county, showing date of report, name and address of deceased, dates of birth and death, and signature of registrar. Arr. chron. by date of report. No index. Typed on ptd. fm. 2 x 12 x 24. Comms. off.

328. (STREET LISTS), 1937--. 4 bd1.

List of qualified electors, showing name, address, and party affiliation. Arr. alph. by name of civil division. No index. Ptd. 12 x 8 x 4.

329. REGISTRY LIST, 1920-36. 336 vols. (dated, and labeled by name of civil division). Discontinued.

Register of qualified voters, showing name of civil division; name, age, sex, occupation, date and place of birth, party affiliation, and physical description of voter; length of time in election district; date and place of last registration; whether householder, boarder, or lodger; and date registered. Arr. alph. by first letter of surname of voter. No index. Hdw. on ptd. fm. Aver. 40 pp. $12\frac{1}{2} \times 8\frac{1}{2} \times \frac{1}{4}$. 254 vols., 1920-34, bsm. vlt. B; 82 vols., 1935-36, comms. off. vlt.

XXI. COUNTY BOARD OF ELECTIONS

Prior to 1937 the supervision over elections by county officials was divided among the commissioners, the sheriff, and the courts. In that year, however, many of the duties pertaining to elections were coordinated under the county board of elections,¹ a new agency, which now has almost complete jurisdiction over the conduct of primary and general elections within the county. The county commissioners, ex officio, serve as the county board of elections, and receive no additional compensation for their work in this capacity.² The county furnishes the board with suitable offices at the county seat and any necessary branch offices. All funds needed for the operation of the board and the conduct of elections are secured from appropriations by the commissioners.³ The county solicitor acts as counsel for the board.⁴

The county board of elections selects the polling place for each new election district and may change the voting place of any district already in existence. If possible, public buildings are used for this purpose, but if a privately owned place is used, this agency fixes the amount of rent to be paid for it. It is the responsibility of the board of elections to provide any necessary light and heat for the polling place and to furnish it with voting compartments.⁵ All other equipment for elections is purchased by the board,⁶ which is also in charge of storing it when it is not in use. The board may appoint a chief clerk and as many other employees as it considers necessary, and may require any employee of the county commissioners' office to act as an employee of the board of elections without additional compensation.⁷ Members of the district election boards, consisting of elected judges and inspectors of election, are paid by the county board, which also issues certificates of appointment to watchers at primaries and elections. The board must see that local election officers are instructed in their duties.⁸

The routine duties of the board of elections begin before the primaries, which are held in the spring of even-numbered years and in the fall of other years.⁹ The board determines which organizations within the county are entitled to be considered as political parties. Not later than

1. 1937 P.L. 133.
2. Ibid., sec. 301(b).
3. Ibid., sec. 303.
4. Ibid., sec. 305.
5. Ibid., secs. 302(b), 526-530; 1937 P.L. 1333 sec. 531 am. 1939 P.L. 215.
6. 1937 P.L. 1333 sec. 302(c).
7. Ibid., secs. 302(d), 303(b).
8. Ibid., secs. 302(e, g), 401, 404, 405, 412, 414.
9. Ibid., secs. 601-604, 626, 627.

the tenth Tuesday before the primary the board sends a list of all such organizations to the Secretary of the Commonwealth. It then determines the offices for which candidates are to be nominated in the ensuing primary. This information is secured from the secretaries of the municipalities and school districts, from the Secretary of the Commonwealth, and from the State and county chairmen of all political parties. Thereupon the board publishes newspaper announcements of the date of the primary and the offices to be filled.¹⁰ Nominating petitions and withdrawals are sent to the board,¹¹ whereupon it prepares the ballots, determining by lot each candidate's position on the ballot in relation to the other candidates for the same office.¹² The returns of primaries are made by the district election officers and sent to the county board of elections, which tabulates and computes them.¹³

Ten or more days before every November election, the county board of elections makes newspaper announcements for at least 2 successive weeks of the date, time, and place of the election, and the offices to be filled.¹⁴ Local authorities send to the board official lists of nominees for local offices; the Secretary of the Commonwealth does the same for State and national offices and sends in addition a copy of the text of any questions to be voted on in the election.¹⁵ The board then has the ballots prepared. After the Thursday before election day the ballot forms are open to the public, and specimen ballots are available to candidates and political parties in order that they may print colored sample ballots for distribution.¹⁶

After every primary and general election, the board of elections acts as a return board. Any member who is himself a candidate may not aid in the computation and canvass of returns. If two or more commissioners are candidates for office, one of the judges, the prothonotary, or the sheriff may sit on the return board to increase the membership to two. The board withholds compilation of the vote until the third Friday after the election in years when electors who are absent on military service are voting in camp. The computation of returns, which usually takes place on the third day after the election, is held publicly.¹⁷ Every candidate may be present in person or by attorney and may be represented by watchers at the canvassing and compilation of the vote and at any other session of the board when matters

10. 1937 P.L. 1333 secs. 302(h), 901(b)-906, 916.

11. Ibid., secs. 302(j), 913, 914, 978.

12. Ibid., sec. 915.

13. Ibid., secs. 302(k), 921.

14. Ibid., secs. 106, 1201.

15. Ibid., sec. 984.

16. Ibid., secs. 1001, 1007, 1008.

17. Ibid., secs. 1317, 1402, 1404(a).

which may affect his candidacy are being heard.¹⁸ The return board compares the number of registered voters with the number of votes cast. If the latter figure exceeds the registration of the district in question, no votes from that district may be counted until an investigation is made.¹⁹ The board has extensive powers in this respect. It may issue subpoenas, summon witnesses, and compel the production of any books, papers, records, and other evidence pertaining to the election. Each member of the board may administer the necessary oaths to persons testifying before this group. Any regulations not inconsistent with the law may be made by the board of elections.²⁰

After an investigation has been made into any returns about which there is doubt the board may correct the returns according to a recount or exclude the poll of a district either in its entirety or for the particular office, candidate,²¹ question, or party for which the excess of votes existed.²² Whenever the circumstances seem to warrant it, the board reports the facts of the case to the district attorney.²³

At the close of the compilation of the vote, the board publicly announces the results of the elections and issues certificates of election to the successful candidates for county and local governmental and party offices.²⁴ It sends to the Secretary of the Commonwealth certificates of the returns for other offices and for those county offices which must be commissioned by the Governor.²⁵ Any appeals from the decisions of the board are made to the court of common pleas.

A number of miscellaneous duties have been delegated to the county board of elections. It may petition the court of quarter sessions for the formation of new election districts or the change of boundaries of existing districts.²⁶ It investigates and reports to the court all petitions for such changes which have been made by the electors of the county.²⁷ The board must systematically inspect the conduct of elections within the county in order to insure that they are honestly, efficiently, and uniformly conducted.²⁸ It submits an annual estimate of its expenditures for the following year.²⁹ Once a year it sends a report to the Secretary

18. 1937 P.L. 133 sec. 310.

19. Ibid., sec. 1404.

20. Ibid., secs. 302(f), 304.

21. Ibid., sec. 1404.

22. Ibid., sec. 302(i).

23. Ibid., secs. 302(l), 1404(f).

24. Ibid., secs. 1411-1416.

25. Ibid., sec. 1407.

26. Ibid., sec. 503.

27. Ibid., sec. 303(a).

28. Ibid., sec. 302(g).

29. Ibid., sec. 302(n).

of the Commonwealth in the form prescribed by him. Part of this report is a statement of the number of electors registered.³⁰

The county board of elections has supervision over the installation of voting machines which may be used in the county as a whole or in any of the boroughs and townships which vote to use them. The board itself may submit the question of the use of such machines to the electors or it may place it on the ballot at the request of a borough council, of the supervisors of any township, or of a designated number of qualified voters. If the results of such elections are favorable, the board must purchase and install the machines, prepare them correctly prior to each election, arrange for the instruction of voters in their use, appoint custodians and inspectors of the machines, and provide for their safekeeping when not in use.³¹

The board must perform any other duties which the law requires of it.³² A member who willfully neglects or refuses to perform any of his duties is guilty of misdemeanor. Upon conviction he may suffer fine and imprisonment.³³

In Adams County the county board of elections has kept not only those records which are now required of it, but some corresponding ones which were in the custody of other officials prior to 1937. The petitions filed by candidates for office date from 1933,³⁴ and the accounts of election expenses of candidates have been kept on file since 1906.³⁵

An important record found in this office is that entitled General and Primary Election Returns. Before 1937 it was the duty of the prothonotary to keep these returns, but now they are kept by the board of elections,³⁶ and the board has the custody of the earlier records. There are also on file duplicate copies of the official computation of election returns made to the Secretary of the Commonwealth.³⁷

30. 1937 P.L. 133 sec. 302(m).

31. Ibid., secs. 1101-1118, 1230.

32. Ibid., sec. 302(o).

33. Ibid., sec. 1850.

34. 1906 (Sp. Sess.) P.L. 36 sec. 5 rep. 1913 P.L. 719 sec. 25 but reen. in sec. 7 am. 1917 P.L. 244 sec. 3 further am. 1919 P.L. 839 sec. 1 further am. 1925 P.L. 361 No. 214 sec. 1 further am. 1931 P.L. 685 No. 251 sec. 1 further am. 1933 P.L. 1106 No. 271 sec. 1 rep. 1937 P.L. 1333 sec. 1901 but reen. in sec. 913.

35. 1906 (Sp. Sess.) P.L. 78 sec. 6 rep. 1937 P.L. 1333 sec. 1901 but reen. as am. in secs. 1607, 1608.

36. 1839 P.L. 519 sec. 79; 1839 P.L. 519 sec. 83 sup. 1874 P.L. 31 sec. 13 am. 1899 P.L. 127 further am. 1909 P.L. 425 further am. 1923 P.L. 267 No. 171 further am. 1925 P.L. 103 all rep. 1937 P.L. 1333 sec. 1901 but reen. as am. in sec. 1408.

37. 1839 P.L. 519 sec. 79 rep. 1937 P.L. 1333 sec. 1901 but reen as am. in secs. 1411-1416.

since 1883 and various records of election returns since 1874.³⁸ The only other papers found in this office are two which have been kept as a matter of convenience at various times. The first is made up of lists of borough and township officers from 1871 until 1902, and the second is a record of local judges of election who were elected from 1870 until 1873.

The law stipulates that all records of the election board must be preserved for at least 11 months. If the district attorney or a judge states in writing that any particular records are needed for a longer time for any pending prosecution or litigation, they must be retained accordingly.³⁹ The operation of this provision accounts for the absence of certain papers which are kept by the county board of elections for the 11-month period only. These consist of the actual ballots cast at various elections⁴⁰ and the contents of the voting machines.⁴¹ In addition the board keeps a record of the number of official ballots printed and furnished to each election district for every primary and election. The board must then compare this number with the number of ballots cast and the number of ballots returned unused. All ballots issued must thus be accounted for.⁴² The board is also supposed to keep a Record of Assisted Voters, which contains the name of every person who is permitted to receive assistance in voting, a statement of the facts which entitle him to get help, and the name of the person who furnishes the assistance.⁴³ In Adams County these details are kept by the registration commission along with the registration cards.

Except for the contents of ballot boxes and voting machines and the record of assisted voters, all papers in this office are open to the public. Any qualified voter may inspect them in the presence of a member or employee of the board.⁴⁴

Records of the board are to be found in the basement vault C unless otherwise indicated.

38. 1839 P.L. 519 sec. 84 rep. 1937 P.L. 1333 sec. 1901. Since 1937 this has not been a required record.

39. 1937 P.L. 1333 sec. 309.

40. Ibid., sec. 1225.

41. Ibid., secs. 1226-1228.

42. Ibid., sec. 1011.

43. Ibid., sec. 1218(c).

44. Ibid., sec. 308.

330. (ELECTION PETITIONS), 1933--. 5 bdl., 38 f.b. (labeled by name of election dist.).

Petitions filed by candidates for elective offices to have names placed on official ballot, showing date of petition; date and type of election; names of civil division, candidate, office sought, and party affiliation; signatures, addresses, and occupations of qualified electors signing petition; official seal and signatures; and date filed. Arr. chron. by date filed. No index. Hdw. and typed on ptd. fm. Bdl. 8 x 6 x 3; f.b. 4 x 4 $\frac{1}{2}$ x 10 $\frac{1}{2}$. 5 bdl., 1933-35, bsmt. vlt. C.; 38 f.b., 1936--, comms. off.

331. (ELECTION EXPENSE), 1906--. 12 f.b. (11 f.b. dated; 1 f.b. unlabeled).

Expense accounts filed by candidates, committees, and political parties, showing date, name of candidate, committee, or party, itemized list of receipts and expenses, affidavit of person filing account, and date filed. Arr. chron. by date filed. No index. Hdw. and typed. 10 x 5 x 14. 11 f.b., 1906-36, clk. of cts. off.; 1 f.b., 1937--, comms. off.

332. (GENERAL AND PRIMARY ELECTION RETURNS), 1825-95, 1937--. 257 bdl. (7 bdl. unlabeled; 250 bdl. dated, and labeled by name of election dist.).

Original district election returns, showing date and type of election; names of election district, candidates, and offices sought; party affiliations; number of votes each candidate received; and signatures of district election officers. No obvious arr. No index. Hdw. on ptd. fm. 8 x 6 x 4.

333. (CERTIFIED ELECTION RETURNS), 1883--. 9 f.b. (8 f.b. dated; 1 f.b. unlabeled).

Duplicate copies of official computation of general election returns made to Secretary of Commonwealth, showing date of election; names of candidates, elective offices, and party affiliations; number of votes cast for each candidate; date of certification; and official seals and signatures of judges and prothonotary. Arr. chron. by date of election. No index. Hdw. and typed on ptd. fm. 10 x 5 x 14. 8 f.b., 1883-1936, proth. off. vlt.; 1 f.b., 1937--, comms. off.

334. OFFICIAL COMPUTATION FOR WARD, BOROUGH, AND TOWNSHIP OFFICES CAST IN MUNICIPAL AND GENERAL ELECTION, 1931--. 11 vols. (dated).

Record of election returns for local offices, showing date and type of election; names of civil division, candidates, and elective offices; party affiliations; and total number of votes cast for each candidate. Arr. alph. by name of civil division. No index. Hdw. on ptd. fm. Aver. 100 pp. 16 3/4 x 11 x 1. 9 vols., 1931-36, proth. off.; 2 vols., 1937--, comms. off.

335. MUNICIPAL AND GENERAL ELECTION DOCKET, 1874--. 6 vols. Title varies: Certificate of Results of Election, 1874-1936, 5 vols.

Record of primary and general election returns, showing date and type of election; names of civil division, candidates,

and elective offices; party affiliation; and number of votes cast for each candidate. Arr. chron. by date of election. No index. Hdw. on ptd. fm. Aver. 200 pp. 18 $\frac{1}{2}$ x 13 x 2. 1 vol., 1874-95, bsm. vlt. B.; 4 vols., 1896-1936, proth. off.; 1 vol., 1937--, comms. off. vlt.

336. (BOROUGH AND TOWNSHIP OFFICERS), 1871-1902. 3 bdl.

List of borough and township officers, showing date; names of civil division, offices, and officers; term of office; elected or appointed; and salary. No obvious arr. No index. Hdw. 2 x 1 $\frac{1}{2}$ x 1.

337. (REGISTER OF ELECTION JUDGES), 1870-73. 1 vol. Discontinued.

Record of precinct judges elected, showing date, name of civil division, district no., name and address of return judge, and term of office. Arr. chron. by date of election. No index. 120 pp. 8 x 14 x 1 $\frac{1}{2}$.

XXII. COUNTY SUPERINTENDENT OF SCHOOLS¹

Evolution and Structural Organization

When Adams County was established in 1800 church and pay schools provided the entire means for the provision of educational facilities. Ten years before this the constitution had stipulated that the legislature provide for the establishment throughout the State of schools in which the poor might be taught free of charge.² Increased activity in the next quarter of a century culminated in 1831 in the establishment by law of a general system of education,³ and 3 years later the Free School Act required every child from 8 to 16 years of age to attend a day school in which common branches were taught in English.⁴

From the time of the passage of the Free School Act⁴ until 1857 the public schools were administered by the Secretary of the Commonwealth, who acted as Superintendent of Common Schools. An act in 1857 separated these functions into two offices, and placed the Superintendent in charge of the newly created Department of Education,⁵ now the Department of Public Instruction.⁶ The Superintendent is appointed by the Governor with the advice and consent of the State Senate for a term of 4 years.⁷

State supervision was of necessity supplemented by provisions for local control of schools, and in 1843 the appointment of an inspector of schools in each district was authorized by law.⁸ County schools were, however, without a real executive officer until the act of 1854 provided for the election of a county superintendent by the school directors for a term of 3 years.

The act of 1911 classified school districts into four groups according to population and limited the jurisdiction of the county superintendent to those of certain classes. A district superintendent must be elected by the board of school directors in every district of the first and second classes, and one may be chosen in districts of the third class. Those third-class districts which do not elect a dis-

1. Const. 1790, art. VII, secs. 1, 2.

2. 1831 P.L. 385 sec. 1; Joseph J. McCadden, Education in Pennsylvania, 1801-1835, and its Debt to Roberts Vaux, p. 109.

3. 1834 P.L. 170 sec. 13 supp. 1835 P.L. 365 rep. 1911 P.L. 309.

4. 1834 P.L. 170 rep. 1911 P.L. 309.

5. 1857 P.L. 263 rep. 1911 P.L. 309.

6. Const., art. IV, secs. 1, 20; 1911 P.L. 309 sec. 1001.

7. Const., art IV, sec. 8 as am. 1909.

8. 1843 P.L. 191 sec. 3 rep. 1911 P.L. 309.

9. 1854 P.L. 617 sec. 37 rep. 1911 P.L. 309.

trict superintendent and all fourth-class districts are supervised by the county superintendent.¹⁰ The directors of the third- and fourth-class districts having no district superintendent may elect a supervising principal.¹¹ In Adams County there is 1 third-class district and 32 fourth-class districts, all of which are under the direct supervision of the county superintendent.

The county superintendent now is elected every 4 years by a majority vote of the board of school directors who meet in convention at the county seat for this purpose,¹² and he receives his commission from the Superintendent of Public Instruction.¹³ He must be a person of good moral character.¹⁴ In addition, he is required to hold a diploma from a college or other institution approved by the State Council of Education; he must have had 6 years of successful teaching experience, of which at least 3 years must have been in a supervisory or administrative capacity; and a graduate course in education. If he is serving either as county, district, assistant county or district superintendent at the time of his election, that alone is held to be sufficient qualification for the office.¹⁵

Any county superintendent may be removed by the Superintendent of Public Instruction, at any time for cause. He is entitled to a hearing before he is removed.¹⁶ Vacancies resulting from his removal, or from other causes, are filled for the unexpired term by the Superintendent of Public Instruction, who considers any recommendations made by the county board of school directors.¹⁷

The superintendent is required to take an oath of office which is filed in the office of the Superintendent of Public Instruction.¹⁸

The county commissioners of each county provide office space at the county seat for the use of the county superintendent and his assistants. In Adams County the superintendent has only one assistant. The county commissioners also furnish storage room for the safekeeping of the school

10. 1911 P.L. 309 secs. 102-105; 1911 P.L. 309 sec. 1133 am. 1939 P.L. 491 sec. 5.

11. Louise C. Walsh and Matthew John Walsh, History and Organization of Education in Pennsylvania, p. 364.

12. 1911 P.L. 309 sec. 1105 am. 1923 P.L. 349 No. 222 sec. 1.

13. 1911 P.L. 309 secs. 1010, 1111; 1929 P.L. 177 sec. 1302(f).

14. 1911 P.L. 309 sec. 1102 am. 1931 P.L. 243 sec. 21 am. 1937 P.L. 2592 sec. 2.

15. 1911 P.L. 309 sec. 1103 am. 1921 P.L. 328 sec. 2 am. 1931 P.L. 243 sec. 22.

16. 1911 P.L. 309 sec. 1119.

17. Ibid., secs. 1011, 1120.

18. Ibid., sec. 1146.

records, books, and documents pertaining to the superintendent's office. In addition, the commissioners provide all necessary stationery, printing, blanks, and postage, except for that used in connection with the annual county teachers institutes.¹⁹ Moreover, in each county the superintendent may be provided, at the expense of the county, with a telephone, typewriter, and a stenographer.²⁰

Functions and Records

The county superintendents of several counties inaugurated in 1854 the practice of calling the teachers to assemble to receive instructions in the science and art of teaching. Special acts were passed for these counties authorizing the superintendent to call institute meetings and to draw funds from the county treasury to defray expenses of teachers' county institutes.²¹ The first general legislative provision for these teachers' institutes was made in 1867;²² the present meetings were provided for in 1911.²³ Each year the county superintendent must call the teachers to assemble for 2 days or their equivalent for a teachers' meeting. He may also invite members of the teaching and supervisory staffs of other districts and of institutions of learning within the county to attend such meetings. He exercises general management over the institute, secures the desired speakers, and incurs any necessary expense.²⁴ He presents a sworn statement of expenses incurred to the treasurer of the county at the conclusion of the meeting,²⁵ and, within 30 days after the closing of a teachers' meeting, he prepares an itemized account of all of the receipts and disbursements received or made in connection therewith, and submits it, properly sworn to, together with the proper vouchers therefore, to the two auditors,²⁶ who are elected at the first teachers' meeting in the school year.²⁷ The superintendent reports to the Department of Public Instruction, on blanks furnished by it, the number of teachers attending, the names of instructors, the subjects taught, and other such information that may be required.²⁸

19. 1911 P.L. 309 sec. 1125 am. 1913 P.L. 129 sec. 1.

20. 1915 P.L. 706 No. 323 secs. 1, 2 am. 1927 P.L. 463 No. 296

sec. 1.

21. 1865 P.L. 360; 1872 P.L. 428 No. 398 supp. 1873 P.L. 867 No.

151 sup. 1887 P.L. 20 rep. 1911 P.L. 309.

22. 1867 P.L. 51 sec. 2 rep. 1911 P.L. 309.

23. 1911 P.L. 309 secs. 2101, 2102 am. 1933 P.L. 1152 sec. 12 am. 1935 P.L. 1204 sec. 1.

24. Ibid.

25. 1911 P.L. 309 sec. 2103 am. 1933 P.L. 1152 sec. 12.

26. 1911 P.L. 309 sec. 2106 am. 1933 P.L. 1152 sec. 12.

27. 1911 P.L. 309 sec. 2108 am. 1919 P.L. 57 am. 1925 P.L. 433 am. 1933 P.L. 1152 sec. 12.

28. 1911 P.L. 309 sec. 2110 am. 1933 P.L. 1152 sec. 12.

The school directors in every county are annually called by the superintendent to the county seat for a convention.²⁹ The superintendent must give all school directors at least 2 weeks notice, by mail, of the time, place, and hour of the meeting. The county commissioners furnish space in the courthouse or some other suitable place, free of charge, for holding the convention.³⁰ It is the duty of the superintendent to attend the annual conventions where he serves as a member ex officio of the executive committee. He also aids the executive committee in any way required of him, but he may not vote in the convention nor approve the selecting of assistant superintendents.³¹

In 1937 a county board of school directors was created³² of which the county superintendent was made the chief executive and an ex officio member of all its committees. He may enter into discussions, but he may not vote on decisions.³³ The superintendent furnishes all reports which the county board of school directors requests him to make.³⁴ He is required to visit personally, as often as possible, the schools under his supervision to note the courses and methods of instruction, and the branches taught. Any inefficiency found by him must be reported to the board of school directors.³⁵ He must also inspect the grounds and buildings erected and report to the board any violations of required conditions.³⁶

In all public schools which are required to meet certain fire regulations designated by law, fire drills are to be conducted at least once a month by the teachers in charge, under rules and regulations promulgated by the county superintendent.³⁷ He must see to it that the legislative requirements regarding fire drills are enforced.³⁸

The county superintendent formerly conducted the examination of teachers for provisional and professional certificates,³⁹ but this practice has become obsolete. The State Council of Education provides, however, for the issuance of certificates by county superintendents to meet emergency shortages of teachers.⁴⁰

29. 1911 P.L. 309 sec. 801.

30. Ibid., sec. 802.

31. Ibid., sec. 807 am. 1937 P.L. 605 sec. 6.

32. 1911 P.L. 309 sec. 809 added 1937 P.L. 605 sec. 5 am. 1939 P.L. 491 sec. 4.

33. 1911 P.L. 309 sec. 807 am. 1937 P.L. 605 sec. 6.

34. Ibid.

35. 1911 P.L. 309 secs. 1123, 1140, 1150.

36. Ibid., sec. 1124.

37. 1911 P.L. 294 sec. 1.

38. Ibid., sec. 2.

39. 1911 P.L. 309 secs. 1302, 1304.

40. Ibid., sec. 1210(12) am. 1919 P.L. 910 sec. 1 am. 1921 P.L. 328 sec. 1 am. 1923 P.L. 328 sec. 1(12).

Before the opening of the school term the principal or teacher of each school is furnished with a list of the names and residences of all children assigned to his school. Each year a summary of such statistics regarding the children in each district is furnished to the county superintendent to be forwarded by him to the Superintendent of Public Instruction.⁴¹ The superintendent is empowered to add to this enumeration the names of any children whose names do not there appear.⁴² It is the duty of every principal or teacher to report to the superintendent or any other person named by law, the names of all children in the list furnished to him who do not appear for enrollment.⁴³ He likewise reports the names of all children who have been absent for 3 days without lawful excuse.⁴⁴ In case any child cannot be kept in school on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, through its superintendent, or any such other persons named by law, proceed against such a child before the juvenile court.⁴⁵ Every person, firm, association, or corporation employing a child of school age during school hours must furnish to the superintendent, or others, the name, age, place of residence, and name of parent or guardian of every such child.⁴⁶

Every public high school is under the supervision of the county or district in which the high school is situated.⁴⁷ Pupils desirous of having their tuition paid in a high school in a district other than the one in which they reside must present, to the board of their own district and to that of the district in which they wish to attend, a certificate from the county superintendent of the district in which they live that they have satisfactorily completed the required studies.⁴⁸ The superintendent prepares and recommends to the board of school directors suitable courses of study for the high schools under his jurisdiction.⁴⁹ It is the duty of the secretary of the school board, teachers, school enumerators, home and school visitors, and attendance officers to secure information concerning and report to the county superintendent every child of compulsory school age who, be-

41. 1911 P.L. 309 sec. 1426 am. 1937 P.L. 2560 sec. 14.

42. 1911 P.L. 309 sec. 1427 am. 1937 P.L. 2560 sec. 15.

43. 1911 P.L. 309 sec. 1428 am. 1937 P.L. 2560 sec. 16.

44. Ibid.

45. 1911 P.L. 309 sec. 1428 am. 1937 P.L. 2560 sec. 1438.

46. 1911 P.L. 309 secs. 1419, 1420 am. 1937 P.L. 2560 sec. 8.

47. 1911 P.L. 309 sec. 1706.

48. Ibid., sec. 1707 am. 1915 P.L. 672 sec. 1 am. 1925 P.L. 166 sec. 2 am. 1927 P.L. 687 sec. 1 am. 1927 P.L. 689 No. 349 sec. 1 am. 1933 P.L. 1152 sec. 9.

49. 1911 P.L. 309 sec. 1712.

cause of physical or mental handicaps, is not receiving an adequate education. The child is to be examined at a mental clinic, approved by the State Council of Education, or by a certified public school psychologist, and by any other required expert. This report is made to the superintendent, and he then submits to the board of school directors plans for establishing and maintaining special classes in the public schools or special public schools to educate these children.⁵⁰

All school districts of Adams County, being of the third and fourth classes and not having a district superintendent, must annually forward certificates giving certain information regarding their public school personnel to the county superintendent. If they are approved by him, the superintendent forwards these certificates to the Superintendent of Public Instruction.⁵¹

The Superintendent of Public Instruction determines the amount of funds due school districts⁵² and certifies the same to the State Treasurer and Auditor General, who place the amount to the credit of the school districts. The Superintendent of Public Instruction transmits to each county superintendent a statement showing the amount allotted to each school district.⁵³ The county superintendent signs the annual budgets and financial reports of the school districts as they are certified to the Department of Public Instruction, and forwards them thereto. He furnishes all reports required by the Department of Public Instruction.⁵⁴ The board of school directors inspects the auditors' reports, and the superintendent signs and forwards them to the Superintendent of Public Instruction.⁵⁵

Minutes of school directors meetings have been recorded since 1904. Prior to that date there is a separate record of meetings of the county institute which goes back to 1896. Personnel records include an educational record of teachers employed since 1928 and a register of certificates granted to teachers since 1911. The county superintendent often keeps on file applications received by him for the issuance

50. 1876 P.L. 138 rep. 1911 P.L. 309; 1911 P.L. 309 sec. 1413 am. 1919 P.L. 1090 sec. 1 am. 1925 P.L. 70 sec. 1 am. 1933 P.L. 1152 sec. 8 am. 1937 P.L. 2560 sec. 3 am. 1939 P.L. 786 sec. 1(1, 3, 4, 8).

51. 1911 P.L. 309 sec. 1210(20) added 1921 P.L. 328 sec. 1 am. 1923 P.L. 328 sec. 1(20) am. 1925 P.L. 547 sec. 2 am. 1931 P.L. 243 sec. 29 am. 1935 P.L. 993 sec. 1.

52. 1911 P.L. 309 sec. 1210(21) am. 1921 P.L. 328 sec. 1 am. 1923 P.L. 328 sec. 1(21) am. 1925 P.L. 681 sec. 2.

53. 1911 P.L. 309 art. XII sec. 1210(22) am. 1921 P.L. 328 sec. 1 am. 1923 P.L. 328 sec. 1(22).

54. 1911 P.L. 309 art. VII sec. 807 am. 1937 P.L. 605 sec. 6.

55. 1911 P.L. 309 sec. 2615 am. 1937 P.L. 605 sec. 10.

of teachers' certificates. Each application has been filed in Adams County in the Subject File since 1928. There are numerous statistical reports of educational activities in Adams County but the earliest records in this group go back only to 1924.⁵⁶ The financial reports include applications for appropriation for tuition since 1931. Applications for appropriation for transportation since 1928, applications for National Youth Administration projects, and a record of transportation contracts, all of which are part of the Subject File Correspondence have been carefully filed and kept since 1934.

Minutes

338. RECORD (Minutes of School Directors Meetings), 1904--. 2 vols. Untitled, 1937--, 1 vol.

Minutes of meetings of school directors, showing date and place of meeting, names of members present, business transacted, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. 1904-36; typed 1937--. Aver. 200 pp. 12 x 7 3/4 x 2. 1 vol, 1904-36, bsmt. vlt. C; 1 vol., 1937--, off.

339. RECORD (County Institute Proceedings), 1896-1903. 1 vol.

Record of meetings of county institute, showing date and place of meeting, names of county superintendent and school districts represented, number and names of teachers attending each meeting, and date of next meeting. Arr. chron. by date of meeting. No index. Hdw. 750 pp. 14 x 9 x 12. Bsmt. vlt. B.

Personnel

340. REGISTER OF TEACHER'S CERTIFICATES, 1911--. 1 vol.

Registration of teachers' certificates, showing name, permanent and local addresses of teacher, date of birth, names and addresses of institutions attended, dates of attendance, nature of course, degrees awarded, type of certificate held with date issued, and branch of study specified. Arr. chron. by date certificate issued. Indexed alph. by first letter of surname of teacher. Hdw. on ptd. fm. 390 pp. 16 3/4 x 22 x 3/4. Off.

56. 1911 P.L. 309 sec. 1151. The keeping of these records is not obligatory.

Applications and Reports

341. (ADMINISTRATION FILE), 1924--. 2 f.d. Prior records destroyed.

Contains:

- a. Applications for teaching positions, 1928--, showing date, name and address of applicant, date of birth, marital status, religion, type of certificate held, educational record, subjects taught, references, and signature of applicant.
- b. Copies of age grade tables, 1929--, showing no. and name of district; name of teacher; grade, sex, and age of pupils; number in each grade; percent and number of pupils under and over normal age; and name, sex, grade, and age of pupils gravely retarded with cause of retardation.
- c. Copies of annual reports of superintendent on schools and teachers employed, 1928--, showing date; names of districts; number and type of schools operated; number and sex of teachers and pupils; number education, and service records of certified teachers; salary and classification of teachers; teacher turnover; and number of pupils requiring special education with reason.
- d. Copies of applications for appropriations for transportation of pupils, 1928--, showing names of school district and school, number and age of pupils, names of contractor and operator, type of vehicle, amount paid, expenses of operating district-owned vehicles, total costs of transportation, affidavit of secretary of school board, and verification by county superintendent.
- e. Copies of applications for continuance of one-room schools, 1924--, showing date; names of district and school; resolution of board of directors; record of attendance and enrollment for coming year; name of school to which students will be assigned; distance and type of roads traveled; conditions of school buildings, grounds, and equipment; and signatures and addresses of secretary and county superintendent.
- f. Copies of applications for high school tuition paid by one district for secondary education in another district, 1931--, showing names of civil division and district; date of application; name, age, and grade of pupil; number of months and name of district attended; monthly tuition rate, and total tuition; also affidavit of secretary of district board of school directors with date; signature and address of secretary; notarial seal; and verification of report by county superintendent.
- g. Copies of applications for National Youth Administration projects, 1938--, showing name of

civil division; name, no., and location of school; date of application; number and sex of children eligible; type of project requested; and official signature.

- h. Educational record of teachers employed, 1928--, showing names of civil divisions, names and addresses of teacher, date of birth, type of certificate held, number of years taught, educational and professional experience, name of school where employed, and whether member of teacher's retirement association.
- i. Record of transportation contracts, 1928--, showing date; names of civil division and school; names, age, and salaries of drivers; number of children to be transported; and miles traveled.
- j. Report of classification of schools, 1928--, showing name of district; name and address of school; classes taught; classification requested; total number of pupils enrolled; names of school counsellors or deans; guidance program; grades; subjects; number of groups and pupils in each; time schedule; monthly tuition charge for nonresident pupils; number of principals, teachers, and staff members with periods taught weekly by each; average teacher load; library data; size of classes by department of instruction; number of nonresident pupils by grades and districts; number of pupils graduating at end of school term, with vocation pursued; date of report; signatures of principals; and recommendations by and signature of county superintendent.
- k. Reports of consolidated schools, 1930--, showing names of district and school; name and address of school board secretary; name of school visitor; dates of visits; standards for school checked; recommendations for improvements; number of books in library; enrollment by rooms; number of teachers without previous experience; names of schools closed; number of vacant rooms or rooms needed; number of pupils transported and means of transportation, with name and address of driver; and signature of county superintendent.
- l. Teacher's reports of pupils' attendance, 1928--, showing name of district; name and no. of school; name, age, and grade of pupil; tardy record; number of excused and unexcused absences; aggregate days attended; rating in each subject; date of school term; and signature of teacher.
- m. Vocational agricultural class reports, 1924--, showing name of school district or consolidated school; names and addresses of school and secretary of school board; date of report; name and title of person directing program;

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dates and signatures of principal and county superintendent; total enrollment by sex and grades; names of teachers; subjects taught; percentage of time devoted to agriculture; length of period; monthly and yearly salary; enrollment in agricultural subjects, giving subject for each grade; number of pupils; weekly period for recitation and laboratory; and totals.

n. Vocational home economics class reports, 1924--, showing name of school district or consolidated school, names and addresses of schools, date of report, name and title of person directing program, dates and signatures of principal and county superintendent, total enrollment by sex and grade, names and addresses of teachers, subjects taught, certification, salary received, time schedule, units of instruction, and additional information relating to program.

Arr. alph. by subject matter and chron. thereunder by date filed. No index. Hdw. and hdw. and typed on ptd. fm. 16 $\frac{1}{2}$ x 11 x 28. Off.

Correspondence

342. CORRESPONDENCE, 1934--. 1 f.b.

General correspondence of county superintendent of schools, showing date, names and addresses of sender and recipient, purpose, and signature of sender. Arr. alph. by first letter of surname of sender and chron. thereunder. No index. Hdw. and typed. 16 $\frac{1}{2}$ x 11 x 28. Off.

XXIII. INSTITUTION DISTRICT BOARD

Evolution and Structural Organization

According to the terms of Pennsylvania's first general poor law, an act of 1706, the care of indigent persons became a function of the individual townships. Annually at least three of the justices of the peace of the county met and selected two or more of the "substantial inhabitants of each township" to be overseers of the poor within that township. The overseers were authorized to "levy a tax of a penny on a pound of all real and personal estates for the relief of all poor, indigent, and impotent persons in the township."² In 1809 overseers became elected officers.³ The Borough Law of 1834 provided for the election of overseers of the poor in all boroughs.⁴ In a number of Pennsylvania counties the boroughs and townships continued until 1938 to elect overseers to take care of their own poor.

A new policy was considered, however, in 1798 when Chester and Lancaster Counties each petitioned the legislature to be permitted to abolish all township poor districts and to make the care of the poor a county function, administered by elected directors of the poor. The petition was granted,⁵ and during the next 60 years, special laws, modeled on that for Lancaster and Chester, set up county poor districts in each of 24 additional counties.⁶ A different type of county poor district was first created in 1851 when the General Assembly set up the Crawford County poor district in which the county commissioners ex officio were directors of the poor.⁷ Three other counties followed this system.⁸

Since the adoption of the Constitution of 1874 the cre-

1. 1771, VIII St. at L. 75 sec. 1 set the number of overseers definitely at two in each township.

2. 1705-6, II St. at L. 251 secs. 1, 2 rep. 1771, VIII St. at L. 75 sec. 30 but reen. in secs. 1, 4, 6, 7 rep. 1937 P.L. 2017 sec. 702.

3. 1809, XVIII St. at L. 969 sec. 1 provided that overseers of the poor be chosen in the same manner as road supervisors, who were made elective 1802, 3 Sm.L. 512 sec. 3; 1834 P.L. 537 secs. 90, 94 abolished the office of twp. overseer of the poor and required that the overseers' duties be undertaken by the supervisors of highways; 1835 P.L. 45 sec. 9 rep. these provisions and reestablished the office of overseer of the poor.

4. 1834 P.L. 163 sec. 5.

5. 1798, XVI St. at L. 15.

6. Giles T. Price, Index to Local Legislation in Pennsylvania, from 1700 to 1892.

7. 1851 P.L. 715.

8. 1862 P.L. 407 sec. 7; 1866 P.L. 160 No. 136; 1870 P.L. 1147 sec. 1.

ation of county poor districts has been accomplished through general rather than special acts. At first these laws were merely of a permissive nature. The most important of them, the poor law of 1879, set forth a plan for county poor districts with the county commissioners acting as directors of the poor.⁹ Fourteen counties finally accepted this system.¹⁰ In 1925 a new general poor law was passed which aimed to make the establishment of county poor districts compulsory.¹¹ So many exceptions were made, however, that it resulted in the creation of only four additional county poor districts.¹²

Hence there was in 1937 a heterogeneous system of poor relief administration in Pennsylvania. There were a total of 425 poor districts in the State. Fifty counties had county units, which themselves had varied systems of organization. In the remaining counties the borough and township system prevailed¹³ with many complicated modifications, brought about by local conditions. The County Institution District Law of 1937 required that all poor districts be abolished by January 1, 1938 and that thereafter every county should become a separate institution district with the county commissioners acting as the institution district board. Each commissioner of a seventh-class county receives an additional \$800 a year as compensation for his work on the board.¹⁴

The history of institutional relief in Adams County has not been as complicated as the foregoing outline might indicate. For the first 17 years of the county's existence each borough and township took care of its own poor. A special law of 1817 abolished all the local poor districts and established a county poor district, with three elected directors of the poor in charge.¹⁵ The first poor directors were chosen in 1817 and at the same time there was elected a committee of five men whose sole duty was to select the place where the county almshouse was to be built. With that work done, the committee passed out of existence, and all future authority was vested in the poor directors. The committee chose a tract of land $\frac{1}{2}$ mile north of Gettysburg in Cumberland Township. The almshouse was completed in 1818 and additions were built in 1878 and 1904. As soon as the poorhouse was built, the poor directors sent notice to all of the local overseers to bring to the almshouse all indigent persons from their respective districts. When this had been done the office of overseer of the poor was abolished and

9. 1879 P.L. 78 supp. 1921 P.L. 538 and 1921 P.L. 1081 all rep. 1937 P.L. 2017 sec. 702.

10. Pa. Dept. Welfare, Poor Relief Administration, pp. 262-273.

11. 1925 P.L. 762.

12. Ibid., sec. 200 am. 1927 P.L. 63 further am. 1929 P.L. 508 further am. 1931 P.L. 208 No. 125; 1925 P.L. 762 sec. 202.

13. Pa. Dept. Welfare, Poor Relief Administration, p. 15.

14. 1937 P.L. 2017 sec. 302.

15. 1817 P.L. 196.

the township had no further responsibility or authority over the poor.¹⁶ From that date until 1925 persons were sent to the poorhouse by order of two justices of the peace. At their own discretion the poor directors were authorized to permit any poor person to be maintained elsewhere. After 1925 commitment was made by the poor directors alone.¹⁷

The poor directors, any two of whom were a quorum, had wide authority over the Adams County poor district which was supported by the proceeds of a special poor tax levied by the county commissioners on the basis of estimates made by the poor directors.¹⁸ The directors, with approval of the court of common pleas, made all necessary rules and regulations for the poor district and almshouse. The power to appoint and remove all employees of the poorhouse belong to the directors who had to visit and inspect the almshouse at least once a month, hear all complaints, and attempt to redress any grievances.¹⁹ Once a year the poor directors placed the accounts of the district before the auditors and made a general report to the court of quarter sessions and the grand jury.²⁰ When the county institution district was established in 1937, the poor directors then in office were employed by the institution district board until the expiration of the terms for which they were elected.²¹

As has been noted, when Adams County became a separate poor district the poor directors might require that any person asking for relief go to the poorhouse, and only in exceptional cases did they permit indigent persons to be cared for in other places.²² They were also allowed to bind out pauper children as apprentices or indentured servants²³ and this practice was commonly followed to save the county the expense of their care. During most of the nineteenth century, therefore, the Adams County Home contained a widely varied group of inmates, of all ages and conditions. But in the past half century, the trend has been to keep out of the poorhouse all persons who can be better cared for in more specialized institutions, and to keep poor families together in their homes so far as it is possible. This result has been accomplished in three ways: Through legislation forbidding certain classes of persons to be kept in the almshouse, through providing for other persons in special institutions and through assumption of responsibility for large groups of poor persons by the State and Federal governments.

16. 1817 P.L. 196 secs. 2, 7, 14.

17. Ibid., sec. 8; 1925 P.L. 762 sec. 2(h).

18. 1817 P.L. 196 secs. 5, 9; Pa. Dept. Welfare, Poor Relief Administration, p. 17.

19. 1817 P.L. 196 secs. 9, 10.

20. Ibid., sec. 6.

21. 1937 P.L. 2017 sec. 302.

22. 1817 P.L. 196 sec. 8.

23. Ibid., sec. 6.

At present children and mental patients are barred from the almshouse. An act of 1883 first made it unlawful for children to be kept in the poorhouse for longer than a 60-day period. Instead the poor authorities were required to place all destitute children either in foster homes or in institutions designed solely for children.²⁴ Only physically or mentally handicapped children are now found in the poorhouse. Since 1923, mentally ill persons may be detained in the poorhouse only in case of emergency. In all other cases they are cared for in mental hospitals.²⁵

A number of afflicted poor people are usually sent to specialized institutions. Indigent persons suffering from tuberculosis are supported by the county in tuberculosis hospitals.²⁶ Since 1917 the authorities in charge of the poorhouse have been permitted to enter into contracts with special institutions for the care of indigent persons who are deaf and dumb. These institutions must be located within the Commonwealth of Pennsylvania and the poor authorities pay them as much as it would cost to maintain the persons in the almshouse. Since 1927 the same provisions have been made for the care of those blind people for whom the poor district or institution district is responsible.²⁷ Similar provisions allow the institution district board to send other sick and injured persons to institutions where they can be better cared for.²⁸

The most important recent development has been the increased use of outdoor relief. This form of aid was at first used only to a limited extent, and under special circumstances. But with the growing use of mothers' assistance, old age assistance, and blind pensions, finally paid with State and Federal funds only, a great number of people were kept out of the poorhouse. With the depression of the 1930's the problem of relief for the unemployed became acute. New measures were needed to provide for them. The result is that at present those poor persons who are able to work are given outdoor relief from State and Federal appropriations. Their welfare is the responsibility of the county board of assistance, and the institution district no longer must support them. The institution district must care for any person who is referred to it by those in charge of public assistance pending the determination of the person's legal

24. 1883 P.L. 111 secs. 1, 2 rep. 1921 P.L. 1030 sec. 5 but reen. in secs. 2, 3 sup. 1925 P.L. 762 secs. 904, 905 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 405; 1883 P.L. 111 sec. 3 rep. 1921 P.L. 1030 sec. 5 but reen. in sec. 1.

25. 1923 P.L. 998 secs. 305, 306.

26. 1911 P.L. 649 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 406; 1925 P.L. 762 sec. 910 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 910.

27. 1917 P.L. 223; 1925 P.L. 762 secs. 907, 908; 1925 P.L. 762 sec. 909. All rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 401(c).

28. 1937 P.L. 2017 sec. 401(b-e).

place of residence.²⁹

The result of all these recent trends has been that today the institution district board has two major responsibilities: sending to the proper institutions various types of people, and supervising the almshouse which shelters those people for whom no better place can be found. The population of the poorhouse now consists chiefly of old unattached persons with more men than women.³⁰

The county commissioners are the executive and administrative officers of the county institution district,³¹ which is a corporate body with the capacity to sue and be sued and to hold, transfer, lease, and convey property.³² The board may purchase land and buildings for almshouse use; may have new buildings erected or old ones improved or repaired.³³ Since 1925, the Department of Welfare has had to approve all purchases of land and all plans for buildings to be used as institutions for the poor.³⁴ The members of the board may not be interested in contracts concerning the district. All expenditures of more than \$500 must be in writing and the board must require a bond from anyone who holds a contract above that amount.³⁵

Functions and Records

The chief duty of the institution district board is to care for any dependent having a legal residence in the county who is not otherwise supported,³⁶ and all persons without legal residence until they can be taken back to their homes.³⁷ Most of the money to defray these expenses comes from taxation. Annually at least 30 days prior to the adoption of the budget the members of the institution district board prepare a proposed budget to take care of the needs of the district for the year to come. Final action on the budget must not be taken until after at least 10 days public notice. In addition, the proposed budget has to be made available for public inspection for at least 20 days before the date set for its adoption. Within 15 days after it is accepted, a copy is filed with the Department of Internal Affairs. The institution district may not spend more money in a year than the amount called for in the budget, but during the last 9 months of any year, money appropriated for one purpose within the institution district may be used for an-

29. 1937 P.L. 2017 sec. 402. See also chapter on Board of Assistance.

30. Pa. Dept. Welfare, Poor Relief Administration, pp. 128, 135.

31. 1937 P.L. 2017 sec. 302.

32. Ibid., sec. 301.

33. 1937 P.L. 2017 secs. 305, 316.

34. 1925 P.L. 762 secs. 700, 715 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 305.

35. 1937 P.L. 2017 secs. 315, 317.

36. Ibid., sec. 401(a).

37. Ibid., secs. 401, 501-503.

other purpose.³⁸

The institution district board levies and collects a poor tax which must not exceed 10 mills on every dollar of the assessed valuation of the county. This tax is based on the same types of property and is levied and collected in the same manner as the regular county taxes. In addition the board may levy annual taxes to defray interest and sinking fund charges on bonds issued for the purchase of land or buildings, the erection and equipment of buildings, or the payment of debts on buildings.³⁹ With the approval of the Department of Internal Affairs the institution district board may issue bonds to raise funds for certain stipulated purposes such as the acquisition of real estate and the funding of notes for the district. The board is also authorized to borrow money for current expenses, giving notes payable within a year.⁴⁰

The county institution district board, like the former poor directors, appoints, removes, and fixes the compensation of all employees of the institution district. It may require a bond from any employee.⁴¹ In addition, some miscellaneous duties which formerly belonged to the poor directors now devolve upon the county institution district board. These include the burial at an expenditure not exceeding \$75 of all poor persons whose bodies are unclaimed and not desired by the State Anatomical Board.⁴² Soldiers and their widows, however, are never buried by the institution district, but by the county commissioners.⁴³ Since 1905 the officers in charge of the poor have been obliged to provide the Pasteur treatment for all indigent residents of the county who are in danger of hydrophobia.⁴⁴ The institution district board must prepare and send to the Department of Welfare any reports which the Department requests⁴⁵ and must permit the Department or its agents to inspect the county institutions at any time.⁴⁶ In addition the board may "take any other action authorized or required by law."⁴⁷

In Adams County the institution district board has kept a minute book containing a complete record of its proceedings ever since it was established. Also found among the records of the board are two volumes containing minutes of the old poor directors. One of these is for the years 1877

38. 1937 P.L. 2017 sec. 309 am. 1939 P.L. 516.

39. 1937 P.L. 2017 sec. 307.

40. Ibid., sec. 308 am. 1939 P.L. 624 further am. 1939 P.L. 516.

41. 1937 P.L. 2017 sec. 306.

42. Ibid., sec. 403 am. 1939 P.L. 308.

43. See chapter on Board of County Commissioners.

44. 1903 P.L. 92 No. 68 rep. 1913 P.L. 111 sec. 2 but reen. as am. in sec. 1 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 404.

45. 1937 P.L. 2017 sec. 407.

46. Ibid., sec. 304.

47. Ibid., sec. 401(f).

and 1878 and the other dates from 1935 to 1937.

A detailed record has been kept of persons admitted to the county home since 1836. The record entitled Pauper Commitments consists of applicants for admission to the almshouse since 1925, when commitments began to be made by the poor directors alone. On each application it has been noted whether or not the applicant was admitted.

Since 1925 a special record has been required of all medical treatment given to inmates of the home.⁴⁸ These facts, and complete medical case histories of all inmates, are filed together and known as Medical Records. There is also a record of inmates who have been discharged since 1916 and of deaths of inmates since 1925. A record of applications for outdoor relief from 1857 until 1910 is kept at the almshouse.

Accurate accounts of the poor district and institution district have always had to be kept.⁴⁹ The account books still in existence, kept in different form for different years, cover the period since 1891. The institution district board, like the former poor directors, must keep any record required by the Department of Welfare⁵⁰ and must allow the Department or any of its representatives to examine any of the books and papers of the institution district.⁵¹ Records of the board are located in the office at the almshouse unless otherwise indicated.

Minutes

343. RECORD (Minute Book of Institution District Board), 1938--. 1 vol.

Minutes of meetings of members of institution district board, showing date, time, and place of meeting; date of next meeting; and signature of clerk. Arr. chron. by date of meeting. No index. Hdw. 500 pp. 13 $\frac{1}{2}$ x 8 3/4 x 1 3/4. Comms. off.

344. RECORD (Poor Directors Minute Book), 1877-78, 1935-37. 2 vols. Discontinued.

Minutes of meetings of directors of poor, showing date, time,

48. 1925 P.L. 762 sec. 501 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 408.

49. 1817 P.L. 196 sec. 6; 1937 P.L. 2017 sec. 310.

50. 1925 P.L. 762 sec. 500 rep. 1937 P.L. 2017 sec. 702 but reen. as am. in sec. 304.

51. 1925 P.L. 762 sec. 224 rep. 1937 P.L. 2017 sec. 702 but reen. in sec. 407.

and place of meeting; names of members present; nature of business transacted; date of next meeting; and signature of clerk. Arr. chron. by date of meeting. No index. Hdw. Aver. 250 pp. 13 x 8 3/4 x 1 3/4. 1 vol., 1877-78, bsmt. vlt. B.; 1 vol., 1935-37, almshouse off.

Admissions

345. ADMISSION BOOK OR REGISTER, 1836--. 4 vols. Record of inmates admitted to county home, showing register no., name, address, sex, color, age, nativity, occupation, habits, morals, physical description, classification, and marital, mental, and financial status, of inmate; dates of admission, discharge, or death; number of days supported; and manner of discharge. Arr. num. by register no. No index. Hdw. on ptd. fm. Aver. 200 pp. 20 $\frac{1}{2}$ x 15 $\frac{1}{2}$ x 2. 1 vol., 1836-64, second floor strm.; 3 vols., 1865--, almshouse off.

346. PAUPER (Commitments), 1925--. 1 f.b. Applications for admission to county almshouse, showing date; name, address, age, sex, marital status, physical description, and date and place of birth of pauper; length of time in county; financial status; names and addresses of relatives; dates approved and admitted; and official signatures. Arr. chron. by date admitted. No index. Hdw. on ptd. fm. 10 x 4 x 12.

347. MEDICAL RECORDS, 1925--. 1 f.b. Medical case histories of inmates, showing register no.; dates of examinations; name, age, sex, color, occupation, habits, and family history of inmate; disability; result of physical examination; mental development; recommendations; and disposition. Arr. alph. by first letter of surname of inmate. No index. Typed on ptd. fm. 10 x 4 x 12.

Discharges

348. DISCHARGED INMATES ALL CLASSES, 1916--. 1 f.b. Record of inmates discharged, showing register no.; date admitted; name, address, sex, color, occupation, marital status, physical and moral condition, date and place of birth, and classification of inmate; date discharged; and name of person in whose custody placed. Arr. alph. by first letter of surname of inmate. No index. Hdw. on ptd. fm. 10 x 5 x 14.

Deaths

349. (RECORD OF DEATHS), 1925--. 1 f.b. Record of deceased inmates, showing date admitted; register no.; name, age, color, and nativity of deceased; date and cause of death; and place of burial. Arr. alph. by first letter of surname of deceased. No index. Hdw. on ptd. fm. 10 x 5 x 14.

Outdoor Relief

350. OUTDOOR RELIEF REGISTER; 1857-1910. 1 vol.
Record of applications for outdoor relief, showing date of application; name, address, sex, color, age, and marital status of applicant; number of dependents; type and amount of relief granted; and dates of issue and termination. Arr. chron. by date of application. No index. Hdw. on ptd. fm. 250 pp. 3 $\frac{3}{4}$ x 18 $\frac{1}{2}$ x 2 $\frac{1}{2}$. Second floor strm., almshouse.

Accounts

351. BUDGET INSTITUTION DISTRICT, 1938--. 1 vol.
Record of expenditures charged to appropriations granted for administration and operation of the institution district, showing name of account, amount of appropriation, date, order no., name of payee, character of expenditure, totals, and balance. Also contains: Ledger (County Almshouse), entry 352. Arr. alph. by name of account and chron. thereunder by date of entry. No index. Hdw. on ptd. fm. 400 pp. 1 $\frac{1}{4}$ x 18 x 2 $\frac{1}{2}$. Comms. off.

352. LEDGER (County Almshouse), 1900-1937. 3 vols.
1938-- in Budget Institution District, entry 351.
Record of receipts and expenditures of county almshouse, showing amount of appropriation; date, amount, and source of receipts; date, amount, and purpose of expenditures; order no.; name of payee; totals; and balance. Arr. chron. by date of entry. No index. Hdw. Aver. 225 pp. 1 $\frac{1}{4}$ x 9 x 1 $\frac{1}{4}$. Comms. off. vlt.

353. JOURNAL, 1891-1919. 2 vols.
Daily record of receipts and expenditures of county almshouse, showing date, amount, and source of receipts; date, amount, order no., and purpose of expenditures; and daily and monthly totals. Arr. chron. by date of entry. No index. Hdw. Aver. 600 pp. 12 3/4 x 8 x 2. Comms. off. vlt.

XXIV. BOARD OF ASSISTANCE

Evolution and Structural Organization

In the colonial period of Pennsylvania history the care of the poor was the responsibility of the minor political divisions of the county and was supervised in each township by two overseers of the poor.¹ Because of the small population of these units direct aid was the only practical form of relief. But in 1817 all the township poor districts of Adams County were abolished and superseded by one county poor district.² Thereafter, with the increased population of the poor district, it became more economical to give institutional care in the almshouse to all indigent persons, regardless of their age, physical condition, or family ties. In the latter part of the nineteenth century a more humanitarian policy prevailed; laws were passed which aimed to take out of the poorhouse all persons who would be benefited by being allowed to remain in their own homes or by being cared for in specialized institutions.

The first of these laws, enacted in 1883, forbade the keeping of children between 2 and 16 years of age in the almshouse, unless they were hopelessly disabled or deformed. All other pauper children were either to be bound out as apprentices or indentured servants or placed in private homes or institutions designed for children only.³ Since 1927 all forms of personal indenture have been illegal.⁴

In 1913 the first Mothers' Assistance Law was passed. This statute sought not only to keep children out of almshouses, but to keep them at home in their mothers' care. The State allotted to each county which agreed to provide a like amount, a certain sum to be used for assistance to indigent, widowed, or abandoned mothers with children below the legal working age.⁵ Adams County accepted the plan in 1914.⁶ In each county the work was directed by a board of trustees for mothers' assistance, a group of seven women of the county, appointed by the Governor, and serving without compensation. In 1919 a new Mothers' Assistance Act was passed which, with subsequent amendments, was in force until 1937. It permitted payments to any mother whose husband was dead or permanently confined in a mental hospital. Payments

1. 1705-6, II St. at L. 251 secs. 1, 2 rep. 1771, VIII St. at L. 75 sec. 30 but reen. as am. in secs. 1, 4, 6, 7 rep. 1937 P.L. 2017 sec. 702.

2. 1817 P.L. 196.

3. 1883 P.L. 11 secs. 1, 2 reen. 1925 P.L. 762 secs. 904, 905 rep. 1937 P.L. 2017 sec. 702 but reen. as am. in sec. 405.

4. 1927 P.L. 961.

5. 1913 P.L. 118.

6. Snell's Legislative Handbook, 1915, p. 1016.

might be as high as \$20 a month for the first child and \$10 for each additional child.⁷ A law of 1933 permitted payment of the grant after the mother's death to the relative at whose home the child was living.⁸ In 1936 the work of mothers' assistance was brought under the Federal Social Security Act and made applicable to every county.⁹

In 1923 provisions were made for old age assistance, payable by the State and administered in every county by boards appointed by the county commissioners.¹⁰ The act was declared unconstitutional, however, and never went into effect.¹¹ When a plan for old age assistance was finally adopted for Pennsylvania in 1934,¹² the requirements for aid and the amount of assistance to be granted were based on the provisions of the defunct act of 1923. The acts of 1934 and 1936 provided that old age assistance be granted from State and Federal funds, with the individual counties responsible only for administrative expenses which were not to exceed 6 percent of the county's allocation. The funds were administered by the Department of Welfare and the county board of trustees of the mothers' assistance fund. For every county not under the mothers' assistance plan, the Governor appointed a special board of trustees to administer the old age assistance fund. Assistance under this act was limited to \$30 a month for the first eligible member of a family and \$15 for each additional member. This law provided that the individual counties and poor districts were to continue to be responsible for the care of aged persons who did not qualify for old age assistance.

Pensions for the blind were also first granted in 1934, with funds provided by the State until 1935 when Federal grants were also received. These pensions were likewise administered by the same county boards of trustees.¹³

Unemployment relief became increasingly important after 1929 until it finally overshadowed all other types. This aid had formerly been an incidental responsibility of the overseers and directors of the poor. The poor law of 1836

7. 1919 P.L. 893 am. 1921 P.L. 1175 further am. 1923 P.L. 307 further am. 1936 (Sp. Sess.) P.L. 118 rep. 1937 P.L. 2051 sec. 18.

8. 1933 P.L. 964 No. 197.

9. 1919 P.L. 893 secs. 1, 4, 14-18 am. 1936 (Sp. Sess.) P.L. 118; 1919 P.L. 893 sec. 3 am. 1923 P.L. 307 further am. 1936 (Sp. Sess.) P.L. 118 sec. 2; 1919 P.L. 893 sec. 18.1 added 1936 (Sp. Sess.) P.L. 118 sec. 11.

10. 1923 P.L. 189.

11. *Busser v. Snyder*, 282 Pa. 440 (1926).

12. 1933-34 (Sp. Sess.) P.L. 282 rep. 1936 (Sp. Sess.) P.L. 28 sec. 25 but reen. as am. in secs. 1-24 am. 1937 P.L. 2049 rep. 1937 P.L. 2051 sec. 18. The act of 1936 placed the granting of old age assistance under the terms of the Federal Social Security Act.

13. 1933-34 (Sp. Sess.) P.L. 246 rep. 1935 P.L. 621 No. 220 sec. 16 but reen. in secs. 1-15, 17, 18.

required that the poor directors provide work for any indigent person unable to secure employment. Work on roads was specified as a means of coping with the situation.¹⁴ The first law which attempted to solve the growing problems of unemployment relief was the First Talbot Act, passed in 1931. Money was appropriated by the State and allocated among the counties on the basis of need. The poor directors used these funds for food, clothing, fuel, and shelter for residents with no means of support. No part of this money was to be used as a cash "dole" for the poor.¹⁵

The State Emergency Relief Board was created in 1932. It was given the responsibility of disbursing all State funds and Federal grants which were used for unemployment relief.¹⁶ The Second Talbot Act entrusted each county's unemployment relief program to a county emergency relief board which was made up of five appointed unpaid members.¹⁷

The Public Assistance Law of 1937 coordinated all the work of mothers' assistance, old age assistance, blind pensions, and unemployment relief under the Department of Public Assistance and the subordinate county boards of assistance.¹⁸ The law went into effect on July 1, 1937 and after that date the State Emergency Relief Board and all its subordinate agencies were abolished except insofar as necessary for the liquidation of their affairs and property.¹⁹ The board of trustees of the mothers' assistance fund and of the old age and blind pensions funds were required to terminate their affairs by January 1, 1938.²⁰ All types of assistance under the Department of Public Assistance are carried on with State and Federal funds. The county does not provide even operating expenses and has no supervision over any phase of this work, which is wholly under State control. The county has been adopted merely as a convenient administrative unit.

The work in each county is supervised by a board of assistance which consists of seven members appointed by the Governor and serving for 3-year staggered terms. Members are eligible for only two consecutive terms of office. The Governor fills any vacancy with an appointee, who serves out the unexpired period. Not all the members of any county's board of assistance may belong to the same political party. They receive no compensation but are reimbursed for any expenses incurred in the performance of their duties.²¹

14. 1836 P.L. 539 sec. 3 rep. 1937 P.L. 2017 sec. 702.

15. 1931 P.L. 1503.

16. 1932 (Sp. Sess.) P.L. 88 rep. 1937 P.L. 2051 sec. 18; Pa. Dept. Welfare, Poor Relief Administration, p. 81.

17. 1932 (Sp. Sess.) P.L. 90.

18. 1937 P.L. 2051.

19. Ibid., sec. 14.

20. Ibid., secs. 15, 17.

21. Ibid., sec. 5(a, b).

The board acts under the supervision of the Department of Public Assistance, which allocates money for assistance and for administrative expenses,²² establishes rules, regulations, and standards of eligibility for assistance,²³ and makes rules for the conduct of the work of the local boards.²⁴ The county board is also subordinate to the State Board of Public Assistance which is made up of the State Treasurer, the Auditor General, and seven additional members selected by the Governor.²⁵

Functions and Records

The work of the county board of assistance comes under four classifications: Aid to dependent children, to the aged, to the blind, and to other residents of the county who need assistance in order "to enable them to maintain for themselves and their dependents a decent and healthful standard of living." Very definite requirements for eligibility for relief have been set up within these groups. Anyone not meeting the residence requirements may be granted assistance until he is removed to his legal place of residence. Assistance is not given to anyone who is an inmate of a public institution or in need of institutional care.²⁶

Every county board of assistance selects from its members a president and a secretary.²⁷ Much of the work of public assistance is carried on by its employees, who are selected on the basis of their standing in competitive examinations.²⁸ The county board may recommend to the Governor that any employee be removed or suspended. The Governor thereupon has final action on the matter.²⁹ In addition the board may appoint and remove an executive director who has qualified for employment through an unassembled examination.³⁰

The board receives and spends all contributions from every source related to assistance or to the Department of Public Assistance.³¹ It submits budgets to the Department as the basis for the allocation of funds for all work within the scope of its activities.³² It makes recommendations to the Department concerning rules, regulations, and standards

- 22. 1937 P.L. 2051 sec. 4(a) am. 1939 P.L. 1091 sec. 2; 1937 P.L. 2051 sec. 4(e).
- 23. 1937 P.L. 2051 sec. 4(b) am. 1939 P.L. 1089.
- 24. 1937 P.L. 2051 sec. 4(c).
- 25. 1929 P.L. 177 sec. 450 added 1937 P.L. 2003 sec. 2; 1937 P.L. 2051 sec. 6.
- 26. 1937 P.L. 2051 sec. 9 am. 1939 P.L. 1091 sec. 3.
- 27. 1937 P.L. 2051 sec. 5(o).
- 28. 1929 P.L. 177 sec. 2504-A added 1937 P.L. 2003 sec. 3.
- 29. 1937 P.L. 2051 sec. 7(a) am. 1939 P.L. 1091 sec. 2.
- 30. 1937 P.L. 2051 sec. 7(b) added 1939 P.L. 1091 sec. 2.
- 31. 1937 P.L. 2051 sec. 7(g) am. 1939 P.L. 1091 sec. 2.
- 32. 1937 P.L. 2051 sec. 7(d) am. 1939 P.L. 1091 sec. 2.

of eligibility for assistance and relative to the nature and extent of assistance to be given.³³ The board hears and determines appeals from the actions of its employees which affect the rights of those applying for or receiving assistance. Further appeals are made to the Department of Public Assistance which has the right to make the final decision.³⁴ The board also appoints a board of review which hears and determines appeals by employees from orders of demotion and removal.³⁵

The law allows the county board of assistance to establish policies and practices as to the amounts of aid to be granted in individual cases, but no grant may exceed the maximum amounts set by the Department of Public Assistance for families of given sizes and given circumstances.³⁶ Since 1939 the board has been authorized to require that all employable general assistance recipients perform some work in return for the relief granted to them. Those who refuse without good reason to accept the assigned work may be refused further assistance until they are ready to comply.³⁷ The board is permitted to appoint labor review committees to pass upon the eligibility for relief of any applicant or recipient who refuses to do such work or to take offered employment.³⁸ Where there is no such committee the board itself has this responsibility.³⁹

In connection with this work relief the board must prepare a statement of the number of persons available for work classified by occupation and political subdivision. This statement is sent to various designated governmental and charitable organizations and to all State and Federal employment offices in the county. When any of these institutions has work to be done by recipients of assistance, the board notifies the persons selected to appear for work and decides what is the "prevailing rate" of compensation. The worker works only enough hours each week for him to earn at the prevailing wage the amount of money granted to him as an assistance.⁴⁰

The board is permitted to take various measures to insure that assistance is granted only to those actually in need and that relief money is not unwisely used. It may subscribe to the services of any commercial credit rating agencies⁴¹ and is authorized to require that any bank disclose to it the amount of money deposited or withdrawn by

33. 1937 P.L. 2051 sec. 7(h) am. 1939 P.L. 1091 sec. 2.

34. 1937 P.L. 2051 sec. 7(e) am. 1939 P.L. 1091 sec. 2.

35. 1937 P.L. 2051 sec. 8.

36. Ibid., sec. 7(j) added 1939 P.L. 1091 sec. 2.

37. 1939 P.L. 1184 sec. 2.

38. 1937 P.L. 2051 sec. 7(m) added 1939 P.L. 1091 sec. 2.

39. 1939 P.L. 1184 sec. 7.

40. Ibid., secs. 3-8.

41. 1937 P.L. 2051 sec. 7(n) added 1939 P.L. 1091 sec. 2.

relief applicants or recipients during the preceding year. It has a similar power to find out from employers the amount of compensation paid to any designated person within a given period.⁴² Upon request the board must make available to any taxpayer the names, addresses, and amounts of aid granted to all persons receiving general assistance.⁴³ In addition, a trustee may be appointed by the Department of Public Assistance to supervise the use of assistance payments by any recipient who is believed to be in need of such supervision.⁴⁴ The county board of assistance is permitted to subscribe for nonprofit medical service in behalf of any person or persons entitled to receive relief.⁴⁵

Several broadly stated duties have been given to the county board of assistance. It must supervise the administration of any other public function relating to its work which is given to the board by any political subdivision of Pennsylvania with approval of the State Board of Assistance.⁴⁶ Moreover, it must study, report, and interpret its policies, problems, and work to the Department of Public Assistance and to the public.⁴⁷ Any county board is permitted to establish committees composed of citizens of the county or of any particular municipality in the county. These committees cooperate with the local board in recommending local policies, supplying information regarding the eligibility of persons for assistance, and stimulating local employment. On petition of 50 or more residents of any community, the board must appoint such a committee to function in that municipality.⁴⁸ The board is obliged to encourage relief applicants to accept any work offered by providing that assistance will be granted at the end of such employment if the need for relief still exists.⁴⁹

The Public Assistance Law required that records of the various agencies which were superseded in 1937 by the board of assistance be turned over to the board of assistance. These have become State records.⁵⁰ Among the records of the commissioners of Adams County are numerous papers relating to the use of the funds received through the Talbot acts. In the almshouse there is a record of applications for outdoor relief received from 1857 until 1910. The Department of Public Assistance now prescribes the rules, regulations, and standards for all reports and records of the board of assistance.⁵¹

42. 1935 P.L. 48 am. 1939 P.L. 331.

43. 1937 P.L. 2051 sec. 7(o) added 1939 P.L. 1091 sec. 2.

44. 1937 P.L. 2051 sec. 10.

45. 1939 P.L. 1125 sec. 11.

46. 1937 P.L. 2051 sec. 7(f) am. 1939 P.L. 1091 sec. 2.

47. 1937 P.L. 2051 sec. 7(i) am. 1939 P.L. 1091 sec. 2.

48. 1937 P.L. 2051 sec. 7(k) added 1939 P.L. 1091 sec. 2.

49. 1937 P.L. 2051 sec. 7(l) added 1939 P.L. 1091 sec. 2.

50. 1937 P.L. 2051 secs. 14, 15.

51. *Ibid.*, sec. 7(c) am. 1939 P.L. 1091 sec. 2.

XXV. SURVEYOR

Eleven years before Adams County was formed the office of Surveyor General received legislative sanction. The incumbent was authorized to appoint deputy surveyors to aid him in his work.¹ In 1850 the office of deputy surveyor was abolished and its duties were assumed by the county surveyor, an elective office later sanctioned by the Constitution of 1874,² which also abolished the office of Surveyor General and turned its functions over to the Secretary of Internal Affairs.³

The county surveyor is required to be a citizen of the United States and an inhabitant of the county for at least 1 year prior to his installation in office,⁴ he must be a practical surveyor.⁵ He may not serve as a member of Congress from this State, nor may he hold any office under the United States Government.⁶ During his tenure the surveyor may not serve as a member of council of any city, borough, or town, nor as school director of any school district.⁷

Originally elected for a term of 3 years⁸ the tenure of the surveyor has been extended to 4 years since 1909.⁹ He may be removed for cause by the court of quarter sessions¹⁰ which also fills vacancies.¹¹ Before taking office the surveyor takes an oath¹² and files a bond.¹³

Functions and Records

The duties of the deputy surveyor which the county sur-

1. 1781, 1 Sm.L. 529 secs. 2, 3; 1843 P.L. 324 sec. 5.
2. Const., art. XIV, sec. 1; 1850 P.L. 434 sec. 10; 1850 P.L. 434 sec. 5 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 160; 1929 P.L. 1278 sec. 51 am. 1931 P.L. 401 sec. 1.
3. Const., art. IV, sec. 10. See also 1850 P.L. 135 sec. 4.
4. Const., art. XIV, sec. 3.
5. 1850 P.L. 434 sec. 5 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 160.
6. 1929 P.L. 1278 sec. 52.
7. Ibid.
8. 1850 P.L. 434 sec. 5 rep. 1929 P.L. 1278 sec. 1051.
9. Const., art. XIV, sec. 2 as am. 1909; 1929 P.L. 1278 secs. 51, 160.
10. 1850 P.L. 434 sec. 8 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 162.
11. 1850 P.L. 434 sec. 9 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 161.
12. Const., art. XIV, sec. 1; 1850 P.L. 434 sec. 7 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 53.
13. 1929 P.L. 1278 sec. 54 am. 1933 P.L. 964 No. 182.

veyor inherited¹⁴ included surveying, pursuant to warrant, lands to which patents had not yet been issued.¹⁵ The deputy surveyor was required to enter these surveys in a survey book¹⁶ and to make an annual report to the Surveyor General of the amount of land surveyed upon each warrant.¹⁷ He made returns of unseated lands in order to provide the county commissioners with the information necessary for levying and collecting the several taxes.¹⁸ He could administer an oath or affirmation to the persons employed as chain carriers.¹⁹ He was required to test his instruments annually by the true meridian line and the fixed standard of measure set up by the county.²⁰

The county surveyor receives from the Secretary of Internal Affairs special lists of warrantee names of unpatented tracts for which he ascertains the names and residences of the owners, the location of the tracts, and gives personal notice in writing to these owners that their tract is unpatented. Unless the arrears are paid within 6 months of the sending of this notice the board of property may direct proceedings, instituted by the Attorney General, to enforce payment under the act.²¹ The county surveyor must send a written report in duplicate within 3 months to the Secretary of Internal Affairs giving the information obtained concerning these warrantees.²² A copy of these lists is filed in the prothonotary's office. Upon request of the owner the surveyor must make a survey of any unpatented tract of land and return it to the Secretary of Internal Affairs.²³ All records concerning any land within a given county are now kept in the office of the Department of Internal Affairs at Harrisburg where anyone may examine them upon payment of a fee.²⁴

There are no legal requirements for the keeping of records by the county surveyor. The records listed below, apparently retained primarily because of their historical interest, relate to grants and surveys of land with the present boundaries of Adams County.

Records of the surveyor are found in the prothonotary's office vault unless otherwise indicated.

14. 1850 P.L. 434 secs. 5, 10; Const., art. XIV, sec. 1.
15. 1781, 1 Sm.L. 529 sec. 5; 1782, 2 Sm.L. 13 sec. 5.
16. 1785, 2 Sm.L. 317 sec. 7; 1792, 3 Sm.L. 70 sec. 5.
17. 1785, 2 Sm.L. 317 sec. 10; 1792, 3 Sm.L. 70 sec. 7.
18. 1804 P.L. 517, 4 Sm.L. 201 sec. 1.
19. 1803 P.L. 668, 4 Sm.L. 100 sec. 1.
20. 1850 P.L. 595 secs. 1, 2.
21. 1872 P.L. 51 secs. 1, 2.
22. Up to 1874 these reports were sent to the Surveyor General, 1872 P.L. 51 sec. 3.
23. 1872 P.L. 51 sec. 4.
24. 1929 P.L. 177 sec. 1203.

354. ORIGINAL LAND GRANT, 1737-1824. 4 f.b.

Shows name and address of warrantee, location and description of land, amount to be paid, date of grant, and signatures of secretary of Land Office and Surveyor General. Arr. chron. by date of grant. No index. Hdw. 10 x 5 x 14.

355. DRAFTS AND SURVEYS IN ADAMS COUNTY, 1762-63,
1765-1868. 1 bdl. (unlabeled), 3 f.b. (dated).

Original drafts and surveys of lands, showing name of owner, location and description of land, date surveyed, names of adjoining owners and townships, date filed, and signatures of surveyor and prothonotary. Arr. chron. by date filed. No index. Hdw. Bdl. 10 x 12 x 6; f.b. 10 x 5 x 14. 1 bdl., 1762-63, bsmt. vlt. A.; 3 f.b., 1765-1868, proth. off. vlt.

356. DRAFT BOOK, 1747-1883. 4 vols. (A, C, D, F). Record of land drafts filed, showing name of present, former, and adjoining owners; location and description of property; dates purchased or portions sold; date surveyed; and name of surveyor. Arr. chron. by date of survey. Indexed alph. by first letter of surname of owner. Hdw. Aver. 115 pp. 13 x 8 x 3/4.

357. (LAND WARRANTS WITH SURVEYS NOT FILED), 1744-1858
1 vol.

Record of land warrants for which survey was not filed, showing name of warrantee, date, warrant no., location and description of property, and amounts due and paid. Arr. chron. by date of entry. No index. Hdw. 12 x 14 x 1 3/4. Bsmt. vlt. A.

358. CERTIFICATE FROM LAND OFFICE, 1870-1902. 1 f.b. Certified copies of original land grants, showing name of warrantee, location and description of land, date of grant, warrant no., date issued, and official seals and signatures. Arr. chron. by date filed. No index. Hdw. 10 x 5 x 14.

XXVI. BOARD OF VIEWERS

Evolution and Structural Organization

The county board of viewers has developed from the road viewers, first authorized in 1699¹ in a law which formed the basis for the general road laws of 1802² and 1836.³ When anyone wished to have a road built he petitioned the court of quarter sessions, which thereupon appointed "six discreet and respectable freeholders" to view the ground proposed for the road. If four of them agreed that the road should be built, they prepared a favorable report to the court. They submitted with their report a draft of the proposed road, so planned as to be most satisfactory to the petitioners and yet built over the most suitable terrain and covering the shortest distance. If the judges confirmed the report the county built the road.⁴ A similar procedure was followed in deciding whether private roads should be built and maintained by the petitioner,⁵ in vacating roads, and in determining whether the county should build a bridge which one or more townships considered too expensive for them alone to construct.⁶ When anyone was dissatisfied with a viewers' report,⁷ he was permitted to petition the court for a second view.⁸ If a property owner claimed damages for the building of a road through his land, the court appointed six other viewers to determine the amount which the county should pay him.⁹

A somewhat different system was adopted for Adams County in 1859 by the terms of a special law. Since that date the number of viewers to be appointed for each particular case has been limited to three. Every view or re-view must be made by all three viewers and the report concurred in by two of them. In all cases the viewers or re-viewers are obliged to give public notice of the contemplated route of the road and of the time and place of the view. If the viewers decide in favor of locating a road, they try to procure releases from damage claims from the persons through whose lands the road is to be built. When they cannot get releases, they assess the damages and make a report of the matter to the court of quarter sessions. If the court is satisfied it confirms the report.⁹

1. Laws of the Assembly (1699) in Charter to William Penn, p. 285 sec. 6.
2. 1802, XVII St. at L. 151 seq. 25.
3. 1836 P.L. 551.
4. 1802, XVII St. at L. 151 sec. 1 supp. 1809, 5 Sm.L. 53 sec. 1 further supp. 1829 P.L. 114.
5. 1802, XVII St. at L. 151 sec. 17.
6. Ibid., sec. 18 supp. 1815, 6 Sm.L. 242; 1846 P.L. 416; 1854 P.L. 645.
7. 1836 P.L. 551 sec. 25.
8. 1802, XVII St. at L. 151 sec. 14.
9. 1854 P.L. 204 extended to Adams County by 1859 P.L. 508 No. 505.

During the second half of the nineteenth century the counties began to use similarly appointed viewers for other purposes, such as deciding whether the county should take over toll bridges¹⁰ or turnpikes¹¹ or build bridges to be maintained by the townships in which they would be located.¹² The same system is used when petitions request the construction of guardrails for township bridges,¹³ and the connection of borough sewers with those of an adjoining municipality.¹⁴ In each of these cases the viewers not only determine the advisability of granting the petition, but decide the amount of damages to be given to affected landowners.

There are various circumstances under which viewers are selected by the court of common pleas rather than the court of quarter sessions. These are chiefly eminent domain proceedings. Viewers appointed by the court of common pleas assess damages incurred when land is purchased by the county¹⁵ or condemned for use by a railroad.¹⁶ The court of common pleas also appoints viewers to award damages to persons whose property is taken by a borough¹⁷ or township,¹⁸ to establish disputed boundary lines between municipalities,¹⁹ to view a property which the State wishes to take over,²⁰ and to assess benefits secured from flood control work.²¹

Until 1911 the court of quarter sessions or the court of common pleas appointed viewers from the entire population of the county whenever they were needed. But in that year a law was passed which established a permanent board of viewers from among the members of which all viewers are selected.²² The group of viewers named for any particular case is known as a board of view.

10. 1876 P.L. 131 am. 1878 P.L. 41 further am. 1911 P.L. 91 sec. 1.

11. 1885 P.L. 170 supp. 1887 P.L. 306 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 941-944.

12. 1879 P.L. 146 am. 1887 P.L. 267 further am. 1903 P.L. 74 further am. 1911 P.L. 970 rep. 1929 P.L. 1278 sec. 1051.

13. 1878 P.L. 150 No. 190 rep. 1929 P.L. 1278 sec. 1051.

14. 1901 P.L. 668 No. 338 rep. as to twps. 1917 P.L. 840 sec. 1500, rep. as to boros. 1915 P.L. 312 ch. XIII art. I sec. 1.

15. 1883 P.L. 58 sec. 1 am. 1911 P.L. 1039 further am. 1921 P.L. 371 rep. 1929 P.L. 1278 sec. 1051 but reen. in sec. 518 am. 1931 P.L. 401 sec. 1 and in secs. 518-524.

16. 1849 P.L. 79 sec. 11; 1906 P.L. 523 sec. 8.

17. 1915 P.L. 312 ch. VI, art. II sec. 1, art. XVIII secs. 5-23 rep. 1927 P.L. 519 sec. 3301 but reen. in secs. 1420-1452.

18. 1931 P.L. 1206 secs. 1920-1952; 1933 P.L. 103 secs. 1020-1053.

19. 1893 P.L. 284 sec. 2 rep. as to boros. 1915 P.L. 312 ch. XIII, rep. as to twps. 1917 P.L. 840 sec. 1500.

20. 1919 P.L. 976 sec. 3; 1921 P.L. 984 sec. 2 am. 1935 P.L. 1049.

21. 1936 (Sp. Sess.) P.L. 95.

22. 1911 P.L. 1123 secs. 1-4 rep. 1931 P.L. 401 sec. 26; 1929 P.L. 1278 secs. 171-173 am. 1931 P.L. 401 sec. 1; 1929 P.L. 1278 secs. 174-176.

In every county the board of viewers consists of from three to nine members; the exact number is determined by the court of common pleas, which appoints the board.²³ At any time the judges may change, within the legal limits, the number of members. The full quota of nine members is usually appointed in Adams County. One-third of the members of each board may be surveyors or members of the bar.²⁴ Every member must be at least 25 years of age, a freeholder, and a qualified elector who is "engaged in no other public employment of profit."²⁵ The office of a viewer is vacant as soon as he moves from the county or ceases to possess any of the qualifications. The court of common pleas may determine summarily any facts which bring about a vacancy.²⁶

The members of the board of viewers hold office for a term of 3 years from the date of their appointment, whether they are appointed to fill a vacancy or to take up a new term. Members may be reappointed for any number of times and may be dismissed by the court of common pleas for any reason.²⁷ All members of boards of view, before performing their duties, must take an oath which is administered by any justice of the peace of the county or by one of their members.²⁸ The compensation of a viewer is fixed by law at \$7.50 a day for each day actually spent in official duties and traveling expenses of 5 cents a mile.²⁹

Whenever a petition is presented to any court asking for the appointment of viewers for any of the purposes for which they are used, that court appoints a board of view consisting of three members of the county board of viewers. One member of each board must be learned in the law.³⁰ When a road or bridge is on the county line, each county selects three viewers.³¹ Whenever viewers are appointed the persons applying for their appointment must give at least 5 days notice to at least two of the county commissioners of the time when the view is to take place.³² No order for a re-view of a road may be granted until the petitioners have given at least 5 days notice of the time of the re-view to one or more of the first three petitioners for the original view. The holding of such a re-view may not be postponed unless an affidavit showing the reason for the postponement is filed with the clerk of courts.³³

23. 1929 P.L. 1278 sec. 173 am. 1931 P.L. 401 sec. 1.

24. 1929 P.L. 1278 sec. 171 am. 1931 P.L. 401 sec. 1.

25. 1929 P.L. 1278 sec. 172 am. 1931 P.L. 401 sec. 1.

26. 1929 P.L. 1278 sec. 174.

27. Ibid.

28. 1836 P.L. 551 sec. 53.

29. 1929 P.L. 1278 sec. 171 am. 1931 P.L. 401 sec. 1.

30. 1911 P.L. 1123 sec. 5.

31. 1811, 5 S.M.L. 251 sup. 1836 P.L. 551 secs. 26, 34 rep. 1929 P.L. 1278 sec. 1051 but reen. in secs. 936, 937.

32. Rules of Court, Rule 144.

33. Ibid., Rule 145.

Functions and Records

The law of 1911 did not repeal any prior acts, except insofar as they were inconsistent with its terms.³⁴ The powers and duties of boards of view are usually set forth in each act which deals with a situation for which viewers are appointed. But since their duties usually consist of either determining whether an improvement is to be made or awarding damages and assessing benefits in eminent domain proceedings, a satisfactory understanding of the activities of boards of view can be secured from a study of the road laws of 1836 and 1859 and of the provisions relating to eminent domain in the General County Law. The latter are similar to those in the general township and borough laws.

When viewers are summoned to determine whether a road or bridge is to be built, repaired, or abandoned they give public notice of their meeting³⁵ and they then meet at the proposed location and determine whether the petition should be granted. If they decide that a road should be built, they plan it and make a report to the next term of the court of quarter sessions, stating who was present at the view, whether each viewer took the oath, and whether the road is to be a public or private one. Attached to this report is a plan which shows the course of the road and the properties through which it is to pass.³⁶ If the court approves of the report, it decides how wide the road shall be.³⁷ Three viewers have similar powers in planning main or trunk sewers and sewage disposal plants.³⁸

At the time of making the view, the viewers attempt to secure releases for damages from the owners of the land on which the road or bridge is located. If they are not successful in doing this, they proceed to assess the damages.³⁹ Viewers are also authorized to allocate the cost of widening and altering roads between the various municipalities in which they are situated.⁴⁰ Whenever the county commissioners can agree with property owners as to the amount of damages sustained through road work, the formality of a view may be dispensed with if the total amount of damages does not exceed \$300.⁴¹ Appeals from the viewers' reports on road damages are made to the court of common pleas with 30

34. 1911 P.L. 1123 sec. 12.

35. 1854 P.L. 204 sec. 2 extended to Adams County 1859 P.L. 508

No. 505.

36. 1836 P.L. 551 secs. 2, 3.

37. Ibid., secs. 4, 5, 12; 1901 P.L. 573.

38. 1929 P.L. 1278 secs. 1002, 1006.

39. 1854 P.L. 204 sec. 3 extended to Adams County 1859 P.L. 508

No. 505.

40. 1903 P.L. 137 No. 99 am. 1907 P.L. 372.

41. 1929 P.L. 1278 sec. 877.

days.⁴²

The duties of the board of viewers in eminent domain proceedings are similar to those in assessing road damages. When the county takes over private property and cannot agree with the owner as to the amount to be paid for it, the court of common pleas appoints three members of the board of viewers. Ten days public notice of their meeting is given by the viewers, a majority of whom must attend all proceedings and concur in all decisions.⁴³ At the meeting they hear all witnesses and interested persons, and afterwards they prepare a schedule of damages and give notice to everyone concerned of a day when they will meet to exhibit the schedule and hear exceptions.⁴⁴

The entire board of viewers prepares hearing or trial lists under the direction of the court. The hearings are held publicly in the courthouse or some other suitable place designated by the court. Whenever the board considers it to be desirable, stenographer's reports of hearings are kept, and copies are furnished to all interested parties. With the permission of the county commissioners the board may employ stenographers and clerical assistants. The number and compensation of these assistants are fixed by the county commissioners.⁴⁵

After making any necessary changes, the board of view makes a report to the court of common pleas showing all damages and benefits and containing a plan of the contemplated improvement. Public notice of the filing of the report is given, and any exceptions must be filed within 30 days. If no exceptions are filed, the court confirms the report of the board of view. When exceptions are made, the case goes to the court of common pleas. Further appeals are taken to the Supreme Court or the Superior Court.⁴⁶

At the conclusion of the work of any board of view, it must file in the court which appointed it a report of the findings of the board and of all damages awarded and benefits assessed. With this report is a plan which shows all properties affected. Every report must be concurred in and signed by at least two of the viewers. In case of the failure of a board of view to secure the concurrence of two of its members, it informs the court of that fact, and the court appoints a new board of view to consider the case.⁴⁷

42. 1891 P.L. 116 No. 102 sec. 1 rep. as to boros. 1915 P.L. 312 ch. XIII art. I sec. 1 but reen. in ch. VI art. II secs. 17-20 rep. 1927 P.L. 519 sec. 3301 but reen. in secs. 1435-1615 am. 1931 P.L. 386 sec. 21.

43. 1929 P.L. 1278 sec. 518 am. 1931 P.L. 401 sec. 1.

44. 1929 P.L. 1278 secs. 523, 524.

45. 1911 P.L. 1123 secs. 6-8; 1929 P.L. 1278 sec. 176.

46. 1929 P.L. 1278 secs. 526, 532-534; 1939 P.L. 441 No. 251; Rules of Court, Rules 146, 147.

47. 1911 P.L. 1123 sec. 9.

There are no requirements that records be kept by the board of viewers and none are kept in Adams County. The papers of any specific board of view are usually found among the records of the court which appointed that board.

XXVII. SEALER OF WEIGHTS AND MEASURES

In provincial Pennsylvania the inspection of weights and measures was entrusted to officers appointed specifically for that purpose in each town.¹ After the advent of the proprietors a sealer was appointed for each of the counties as a result of specific statutory requirement,² and it was by virtue of this requirement that a sealer was appointed for Adams County when it was formed in 1800. A special act relating to Adams County abolished this office in 1860³ and the act of 1877 which revived this office for all counties⁴ had no effect on the replacement of this officer. In 1883 this office was abolished in all counties.⁵ The office of sealer was not reestablished until an act of 1895 authorized the boards of county commissioners to appoint inspectors of weights and measures in cities of the first and second classes.⁶ Sixteen years later the boards of county commissioners were empowered to appoint one or, more persons as county inspectors of weights and measures. In 1912 Adams County appointed such an inspector who was designated sealer of weights and measures. At present there is one sealer in this county.

Sealers of weights and measures served for an indefinite term until 1845 when their tenure was set at 3 years.⁸ The act of 1895 established a 4-year term for city inspectors⁹ but at the present time all inspectors hold office during good behavior.¹⁰

Powers, Duties, and Records

The sealer must inspect and adjust all scales, weights, and measures not more than four times a year.¹¹ He must

1. Duke of York's Laws in Charter to William Penn, p. 51.
2. 1700, 1 Sm.L. 18 sec. 1 reen. in 1845 P.L. 443 sec. 5.
3. 1860 P.L. 511.
4. 1877 P.L. 52 No. 50.
5. 1883 P.L. 6 No. 5 sec. 1.
6. 1895 P.L. 386 sec. 1 sup. 1911 P.L. 275 sec. 1.
7. 1911 P.L. 275 sec. 1 am. 1913 P.L. 960 sec. 1 am. 1917 P.L. 1102 sec. 1.
8. 1845 P.L. 443 sec. 5 rep. 1883 P.L. 6 No. 5.
9. 1895 P.L. 386 sec. 1 sup. 1911 P.L. 275 sec. 1.
10. 1911 P.L. 275 sec. 1 am. 1913 P.L. 960 sec. 1 am. 1917 P.L. 1102 sec. 1.
11. That portion of the amendment of 1913 which says inspectors cannot be removed except for cause violates the Constitution, art. VI, sec. 4. The act of 1913 P.L. 960 sec. 1 was held unconstitutional in Comm. v. Hoyte, 254 Pa. 45 (1916) and in Comm. v. Leary, 63 Super. 434 (1915). This provision remains virtually unchanged, however, under the act of 1917 P.L. 1102 sec. 1.
11. 1845 P.L. 443 sec. 6 rep. 1883 P.L. 6; 1895 P.L. 386 sec. 3.

take charge of the standards furnished by the chief of the State Bureau of Standards, and has the power to test all instruments used in weighing and measuring anything to be sold, including instruments for weighing at coal mines, weighing machines, and scales installed in places frequented by the public. For the purpose of making these tests, the sealer may enter any premises with a warrant, and may stop any vendor or vehicle on any public highway. He may mark as condemned or seize any false weighing and measuring device. If he does so he may retain possession of the device for use as evidence in subsequent prosecution. After the conclusion of such prosecution the device may be destroyed unless otherwise ordered by the court.¹²

Purchasers of uninspected new scales, weights, or measures must request the sealer to test them before they are used, and if they cannot be adjusted they must be removed and destroyed.¹³ The sealer must seal weights and measures when he finds that they comply with all regulations. However, such approval is not evidence of the correctness of an individual weight or measure at any subsequent time, and any device found to be defective afterwards may be confiscated.¹⁴

The sealer must enforce the laws which prohibit sales of dry commodities by liquid measure; sales of liquid commodities by dry measures; sales utilizing a measure without a bottom, or one which is not distinctly marked as to its capacity; sales of enumerated commodities by bushel without specifying the designated weight; and sales by anyone with intent to defraud or misrepresent any article as to weight, place of manufacture, or name of manufacturer.¹⁵ Upon discovery of an offender it is the duty of the sealer to commence prosecution.¹⁶

The sealer of weights and measures must send complete monthly reports to the State Bureau of Standards.¹⁷ He is not required by law to keep any records.

12. 1911 P.L. 275 sec. 2; 1913 P.L. 960 sec. 2; 1917 P.L. 799 sec. 1; 1929 P.L. 1757 sec. 1.

13. 1895 P.L. 386 sec. 5.

14. 1921 P.L. 389 sec. 13.

15. 1913 P.L. 965 secs. 2-6, 9; 1915 P.L. 280 sec. 1; 1915 P.L. 531 sec. 1; 1921 P.L. 253 sec. 1; 1923 P.L. 278 sec. 1; 1925 P.L. 325 sec. 1; 1929 P.L. 1259 sec. 1; 1931 P.L. 105 sec. 1.

16. 1921 P.L. 389 sec. 15.

17. 1911 P.L. 275 sec. 2 am. 1913 P.L. 960 sec. 2 am. 1917 P.L. 799 sec. 1 am. 1929 P.L. 1757 sec. 1.

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